

ROCHESTER CITY COUNCIL

REGULAR MEETING

August 17, 2010

Present – President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremonies

Welcoming Sister Cities Guests

Laisi Ma
Shaoyang Liu

Retirement:

Mayor's Office/Communications

*Ira Srole

DES

Richard Gombatto
*Maria Oliver
Albert Smith

RFD

*Daniel C. Pignato
*Peter J. Scirotno

RPL

*Gaye L. Poness

RPD

*Beatrice H. Nettnin

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of July 20, 2010 be approved as published in the official sheets of the Proceedings.

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Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 4019-10
Public Disclosure - HOME Participation 4020-10
Public Disclosure – Lead Hazard Control Program Participation (2) 4021-10, 4022-10
Quarterly Reports (2) 4023-10, 4024-10
Delinquent Receivables
Insurance Claims
General Liability Claims
Workers Compensation Claims

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending Chapter 120 Of The Municipal Code, The Zoning Code Int. No. 344 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Capron Street And Accepting An Easement Int. No. 337. No speakers.

Amending Consolidated Community Development/2010-11 Annual Action Plan And Approving A Section 108 Business Loan And A Brownfields Economic Development Initiative Grant For The Midtown Plaza Revitalization Project Int. No. 359 No speakers.

Amending Consolidated Community Development Program, Homelessness Prevention Fund No speakers.

THE COUNCIL PRESIDENT --- INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-285
Re: Amending the 2010-11 Consolidated

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Community Development Plan - Midtown
Plaza Revitalization Project

Transmitted herewith for your approval is legislation amending the 2010-11 Consolidated Community Development Plan related to financing sources for the Midtown Plaza Revitalization Project. This legislation will:

1. Authorize an agreement with the US Department of Housing and Urban Development for the application for and receipt and use of \$16,500,000 in funding for a Section 108 program;
2. Amend the 2010-11 Consolidated Community Development Plan to add Section 108 Loan authority in the amount of \$16,500,000 and a Brownfields Economic Development Initiative (BEDI) grant in the amount of \$2,000,000 for the Midtown Plaza Revitalization Project;
3. Authorize the Mayor to adjust the terms and conditions of the Section 108 Loan application, agreements and other instruments for the Section 108 Loan and BEDI grant as the Mayor deems appropriate; and
4. Authorize agreements or instruments necessary to implement the Section 108 Loan and BEDI programs.

The City proposes to assist in the private development of a new corporate headquarters building (222,426 +/- sq. ft.) for PAETEC, a publicly-held corporation. The building will include three stories above ground, a basement, and a rooftop event center to be constructed at the northwest corner of the former Midtown Plaza site. The assistance includes a \$2,000,000 BEDI grant and a \$16,500,000 Section 108 Loan. A Section 108 Loan is a loan directly to the City which is repaid through payments the City receives from a loan in the same amount to the developer, which in this case, will be a wholly-owned subsidiary of PAETEC.

The BEDI grant application was previously authorized by Council in June through Ordinance No. 2010-204. BEDI grants must be used in conjunction with a new Section 108 guaranteed loan commitment. This enhances the security of the HUD guaranteed loan in order to stimulate the economic development of brownfield sites by local governments and the private sector to return those sites to productive, economic use.

Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) Program. Section 108 provides CDBG entitlement communities with a source of financing for economic development, housing rehabilitation, public facilities and large scale physical development projects. A local government borrowing funds guaranteed by Section 108 must pledge its current and future CDBG allocations to cover the loan amount as security for the loan and from which to make any loan payments that are in default. The maximum repayment period for a Section 108 loan is 20 years. Section 108 assisted activities must comply with CDBG rules and requirements.

The City proposes to use a Section 108 loan financing in lieu of CDBG funds in order to keep CDBG funds free for other neighborhood stabilization and improvement activities.

An entitlement community may apply for up to five times the latest approved CDBG entitlement amount, minus any outstanding Section 108 commitments and/or principal balances of Section 108 loans. As shown below, the City currently has six outstanding Section 108 loans with a combined principal balance of \$6,996,255; the current Section 108 loan capacity of the City is \$45,202,835. The City is current on all its payments to HUD.

Item

Amount

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2010-2011 CDBG Entitlement Grant	\$10,439,818
Multiplication Factor	<u>x 5</u>
Maximum Loan Authority	52,199,090
Current Approved Loan Balances	<u>6,996,255</u>
Remaining Section 108 Loan Capacity	\$45,202,835

If approved by HUD, the BEDI and Section 108 funds will be utilized as construction/permanent financing for the development of the PAETEC headquarters.

The sources and uses of funds for the proposed PAETEC corporate headquarters are as follows:

<u>Sources of Funds</u>		<u>Uses of Funds</u>	
Bank Loan	\$17,392,107	Site Acquisition	\$ 1
Section 108 Loan	16,500,000	Construction	38,841,391
New Markets Tax Credits	14,893,131	Professional Services	5,550,000
PAETEC Equity	5,000,000	Finance Costs	2,015,000
BEDI grant	<u>2,000,000</u>	Carrying Costs	628,571
Total	\$55,785,238	Project Contingency	3,500,000
		Fees/Permits	120,000
		Development Fees	0
		NMTC Fees	4,330,275
		General & Admin.	<u>800,000</u>
		Total	\$55,785,238

PAETEC has committed equity in the amount of \$5,000,000 to the project and is working on obtaining a bank loan of \$17,392,107. HUD approval of the BEDI application is expected within approximately 90 days of the submission of the application. HUD approval of the Section 108 loan application is not expected until winter 2010, at which time City Council authorization will be requested to enter into the loan and grant agreements with PAETEC, or an entity to be formed by PAETEC.

A public hearing is required to amend the Consolidated Community Development Plan.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-285
(Int. No. 359)

Amending Consolidated Community Development/2010-11 Annual
Action Plan And Approving A Section 108 Business Loan And A
Brownfields Economic Development Initiative Grant For The
Midtown Plaza Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the Consolidated Community Development/2010-11 Annual Action Plan to add Section 108 Loan authority in the amount of \$16,500,000 and Brownfields Economic Development Initiative Grant authority in the amount of \$2,000,000 for the development of the PAETEC Headquarters as a part of the Midtown Plaza Revitalization Project.

Section 2. The Mayor is hereby authorized to submit an application to and enter into a Section 108 Loan Agreement with the Department of Housing and Urban Development, and to execute such other

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agreements or instruments as may be necessary to implement the Section 108 Loan and Brownfields Economic Development Initiative Grant Programs for the development of the PAETEC Headquarters as a part of the Midtown Plaza Revitalization Project.

Section 3. The Section 108 Loan in the amount of \$16,500,000 and Brownfields Economic Development Initiative Grant in the amount of \$2,000,000 for the development of the PAETEC Headquarters as a part of the Midtown Plaza Revitalization Project are hereby appropriated for this purpose.

Section 4. The Mayor is hereby authorized to adjust the terms and conditions of the Section 108 Loan application, the agreements and other instruments necessary to implement the Section 108 Loan and Brownfields Economic Development Initiative Grant Programs as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
August 17, 2010

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 327 - Authorizing An Agreement For Parking Garage Services

Int. No. 342 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Int. No. 343 - Establishing Maximum Compensation For A Professional Services Agreement For The World Canals Conference

Int. No. 346 - Establishing Maximum Compensation For An Agreement For The Restoration Of A Mural

Int. No. 347 - Standardization Of The CALE Parking PayStations

The following entitled legislation is being HELD in committee:

Int. No. 348 - Establishing Maximum Compensation For A Professional Services Agreement For An After-School Program And Amending The 2010-11 Budget

Int. No. 353 - Amending The 2009-10 Budget

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul

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FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-286
Re: Agreement - Allpro Parking, LLC for
Customer Service and Maintenance
Staffing of City Garages

Transmitted herewith for your approval is legislation establishing \$455,000 as maximum compensation for an agreement with Allpro Parking, LLC (Buffalo, NY) to provide customer service staffing and maintenance in six City garages. The cost of this agreement will be funded from the 2010-11 Budget of the Department of Finance (Parking Fund). Allpro is the current operator of Mortimer, Court Street and East End garages.

As proposed in the re-organization of the Bureau of Parking, the City will become the operator of six City parking facilities and will contract for customer service and maintenance. This will allow economies of scale for a variety of contracts and also ensure that the City facilities are maintained in a more closely controlled and critical manner.

A request for proposals for these services was issued in June, 2010. Responses were received from five national firms, including: Allpro Parking, Ampco System Parking, LAZ Parking, Standard Parking, and USA Parking.

Proposals were reviewed by a team of City staff; Allpro Parking received the highest rating by all team members. This unanimous rating was based on their approach and understanding of the project. The references listed in their proposal were contacted and they received high ratings from all.

Outsourcing the customer service and maintenance aspects of the operation to Allpro Parking will allow for a comprehensive transition. They are already familiar with equipment used in the garages, and are also aware of the high standards of performance required by the City.

Of the total amount of \$455,000, \$320,000 is for customer service staffing, \$75,000 is for maintenance, \$40,000 is for management and insurance, and \$20,000 is for special event staffing.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-99

Ordinance No. 2010-286
(Int. No. 327)

Authorizing An Agreement For Parking Garage Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Allpro Parking, LLC for customer service staffing and maintenance in six City parking garages in 2010-11.

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Section 2. The agreement shall obligate the City to pay an amount not to exceed \$455,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 Budget of the Department of Finance (Parking Fund).

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-287

Re: Agreement - Picture Fest International,
Inc.

Transmitted herewith for your approval is legislation establishing \$41,000 as maximum compensation for an agreement with Picture Fest International, Inc., d/b/a "360 | 365", for a six-day film festival and additional programming throughout the year. The cost of this agreement will be financed from the 2010-11 Budgets of the Bureau of Communications (\$16,000) and the Office of the Mayor (\$25,000).

The 2011 festival will be held April 27-May 2, 2011, and will showcase and celebrate contemporary and historic film and video from around the world. A portion of the programming of the festival will focus on the achievements of women in filmmaking. Programming will also include a wide range of films that appeal to all audiences. Films from past festivals have gone on to win Academy Awards, Golden Globe Awards, and recognition at other festivals, from Sundance to Berlin.

Funding will support two feature films of the festival, the 360 | 365 Shorts Contest, the New Director Series, and the Rochester Teen Film Festival. The 360 | 365 Shorts Contest is a quarterly contest for both amateurs and pros to create films of three minutes or less. The New Director Series is a quarterly event during which emerging directors screen their films and interact with our audiences about the filmmaking process. In partnership with Nazareth College, the Rochester Teen Film Festival attracts the best new-generation talent in this competitive industry. The Teen Festival will be held August 4th, 2011.

In addition, 360 | 365 is teaming collaboratively with other film-related organizations throughout the region to create a unique, world-class independent film community. Rochester is home to many companies and organizations focused on film. 360 | 365 is uniquely positioned to connect these players.

360 | 365 completed its 9th annual festival in May, 2010. Attendance at 90 films exceeded 12,000. In addition, the festival hosted 40 filmmakers from around the world and provided numerous opportunities for the filmmakers and audience to interact.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-100

Ordinance No. 2010-287
(Int. No. 342)

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Establishing Maximum Compensation For A Professional Services
Agreement For A Film Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$41,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Picture Fest International, Inc. d/b/a 360 | 365 Film Festival for the 2011 360 | 365 Film Festival. Of said amount, \$16,000 shall be funded from the 2010-11 Budget of the Bureau of Communications and \$25,000 shall be funded from the 2010-11 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-288

Re: Agreement - World Canals Conference

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with The Canal Society of New York State, to present the 23rd World Canals Conference in Rochester. The cost of the agreement will be funded from the 2009-10 Budget of the Bureau of Communications (\$10,000) and the 2010-11 Undistributed allocation (\$20,000).

The World Canals Conference will take place September 19-24, 2010 at the Rochester Plaza Hotel. Hundreds of delegates from approximately 20 nations are expected to convene to share the information on community and economic development, tourism, recreation, rehabilitation, and operation of canals and inland waterways.

The City's sponsorship will support the Opening Day and Community Event Festivities at Corn Hill Landing and the Blue Cross Arena at the War Memorial. All of the Opening Day activities will be free and open to the public. Activities include: a flotilla of more than 90 boats, a flotilla bicycle ride, a barge concert featuring members of the Rochester Philharmonic Orchestra, entertainment, exhibits, presentations by authors, aqueduct tours, wine and beer tastings, and a farmers' market. Anticipated attendance is between 6,500 and 7,500 people.

Rochester hosted the World Canals Conference in 2000, the last time the event was held. This is the first time that the Conference has returned to the same city.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-288
(Int. No. 343)

Establishing Maximum Compensation For A Professional Services
Agreement For The World Canals Conference

BE IT ORDAINED, by the Council of the City of Rochester as follows:

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Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Canal Society of New York State for the 23rd World Canals Conference in Rochester. Of said amount, \$10,000 shall be funded from the 2009-10 Budget of the Bureau of Communications and \$20,000 shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-289

Re: Agreement - Rochester Historical Society,
Rochester Mural Restoration

Transmitted herewith for your approval is legislation establishing \$33,000 as maximum compensation for an agreement with the Rochester Historical Society for the restoration of one of nine large painted murals to be displayed at City Hall. The cost of the agreement will be funded from 2010-11 Cash Capital.

The murals were painted circa 1910 by local artists who were, or became, well-known, including John J. Inglis, Edward S. Siebert, and Seth C. Jones. Several taught at the Mechanics Institute (now RIT), and were teachers to the next generation of Rochester painters. The murals hung for 15-20 years at the Café DeLuxe at 113 East Main Street, which was owned by Joseph C. Holloran. Each is approximately 5 feet tall by 12 feet long.

Mr. Holloran donated the murals to the Historical Society in 1927, and they were “re-discovered” during the Society’s recent move from their East Avenue location to the Rundel Library Building. Unfortunately, they had not been stored properly and suffered significant, but not irreparable, damage.

Four of the murals have been sent to West Lake Conservators (Skaneateles, NY) to be unrolled, evaluated, photographed and stabilized. These include *The Aqueduct* (Inglis), *Main St. Bridge from Andrews St.* (Siebert), *Lower Genesee Falls* (Inglis), and *Col. Rochester’s Arrival in the Genesee Valley* (Raschen). Several of these will be displayed at the World Canals Conference to be held in Rochester September 19-24, 2010 to kick off a fundraising campaign for their restoration.

Initial evaluation of *The Aqueduct* indicates that, when restored, it will be a vibrant depiction of an historic Rochester feature. The cost for conservation, based on size and condition, and including cleaning, stabilization, restoration, finish, and re-installation, is estimated to be \$30,000. Total costs are summarized below:

West Lake evaluation/analysis	\$ 900
West Lake conservation/restoration	29,638
Historical Society administration	<u>2,000</u>
	\$32,538

The City proposes to be the lead donor for the restoration of one of the murals which will be displayed at City Hall. Once the original four have been evaluated, the most appropriate will be selected as the one “adopted” by the City. Selection by the Mayor will be based on a recommendation from the City Arts Policy Team.

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This project represents the first expenditure from the Percent For Art, fund, financed in 2010-11 for the first time since the enabling legislation was passed in December 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-289
(Int. No. 346)

Establishing Maximum Compensation For An Agreement For The
Restoration Of A Mural

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$33,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Historical Society for the restoration of a mural to be displayed at City Hall. Said amount shall be funded from the 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-290
Re: Standardization of CALE Parking
PayStations

Transmitted herewith for your approval is legislation authorizing the standardization of CALE Systems, USA, Inc, as the provider of parking paystations for the City of Rochester. In December 2009, bids were solicited for parking paystations. CALE, with corporate headquarters in Tampa Florida, and an office in Buffalo, won the bid.

Five machines were purchased in April 2010 and installed to evaluate their use. Given the flawless operation and positive feedback from the public, it is proposed that the City purchase an additional 100 paystations for installation before winter. For customer convenience and to avoid confusion, standardizing the current CALE paystations, city-wide, is preferred. Standardizing is also requested for the following reasons:

- Spare parts come from one source. This makes repairs and stocking of parts more efficient and cost effective.
- Maintenance tracking is in one software location. This allows Parking Personnel to troubleshoot, track, and efficiently repair equipment.
- Audit reports are at one website. This allows parking to audit and track usage of meters, types of payments, and amounts collected and deposited from one set of reports.
- Only one credit card clearinghouse is required, which will reduce charges to the City.

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- Warranty issues, if any, are with one vendor.
- Citizens learn to use and look for one type of machine. This reduces staff time in training users how to operate different types of machines.
- Trial machines have performed without issue and audit reports are accurate.
- Standard installation for all machines allows for prep work to be done in advance of delivery. This will allow the work to be done, even before the winter season, as there will be only one set of specifications.
- Only one set of tools, keys and replacement parts makes it more cost effective to purchase and store these items.

Since installation, the three paystations installed on-street have collected over \$4,200, of which 21% is credit card. Since people parking on-street are used to paying with coin, this is typical for the first few months of conversion to paystations. The two off-street meters at the Chestnut Street Lot, across from the Eastman Theater, have seen much more activity. They have collected over \$6,500, of which 86% is credit card.

The total cost of \$900,000 will be financed from 2009-10 (\$329,100) and 2010-11 (\$570,900) Cash Capital.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-101

Ordinance No. 2010-290
(Int. No. 347)

Standardization Of The CALE Parking PayStations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Based on a transmittal submitted by the Mayor, and information collected by the Department of Finance, the Council finds that standardization of the CALE Parking PayStations will have the following advantages:

1. Spare parts will come from one source. This makes repairs and stocking of parts more efficient and cost effective.
2. Maintenance tracking is in one software location. This allows Parking Personnel to troubleshoot, track, and efficiently repair equipment.
3. Audit reports are at one website. This allows parking to audit and track usage of meters, types of payments, and amounts collected and deposited from one set of reports.
4. Only one credit card clearinghouse is needed. In the long run, this should reduce credit card company charges back to the City as more transactions will be processed through one clearinghouse.
5. Warranty issues, if any, are with one vendor.

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6. Citizens will learn to use and look for one type of machine. This reduces staff time in training users how to operate different types of machines.
7. The original bid mentioned a trial period with the potential of additional units to be purchased.
8. Trial machines have performed without issue and audit reports are accurate.
9. Standard installation for all machines allows for preparation work to be done in advance of delivery. This will allow the work to be done, even before the winter season, as there will be only one set of specifications.
10. Only one set of tools, keys and replacement parts makes it more cost effective to purchase and store these items.

Section 2. For reasons of efficiency, economy and performance, the Council hereby standardizes upon and directs the purchase of the CALE Parking PayStations in all purchases of parking paystations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Introductory Nos. 348 and 353 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-291

Re: Agreement - Children's Institute, Aggressive and
Delinquent Behavior Prevention

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Children's Institute (Dirk Hightower, Executive Director) for the implementation of Rochester Coping Power Plus (RCP+), a program to reduce violent and aggressive behavior in city school children, and amending the 2010-11 Budget by transferring \$50,000 from Contingency to the Mayor's Office to finance the agreement.

The Children's Institute will act as manager and coordinator of the project, which is a three-pronged, evidence-based program with the goal of reducing violent and aggressive behavior in youth ages 10 to 13. The program was in operation at Schools #28 and #35 during the 2009-10 school year; the positive results extended to non-participating children, resulting in a 60% decrease in suspensions and aggressive incidents for all children in the schools. RCP+ incorporates three existing programs that have been successful:

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- Promoting Alternative THinking Strategies (PATHS) promotes social and emotional learning and character development, and builds abilities for positive relationships. This is offered to all students in target schools.
- Primary Project provides support for children in kindergarten to third grade who have emerging school adjustment problems. They receive 15 one-on-one sessions with a child associate who is directly supervised by the school social worker or school psychologist.
- Rochester Coping Power is a small group after-school program for high-risk children in fourth through sixth grades who are exhibiting behaviors correlated with violent behaviors.

The RCP+ program will be implemented in three Rochester City School District schools - #17, #28, and #35. Additional details are provided in the attached documents. The program extension is being jointly supported by the United Way, the Rochester Area Community Foundation, and the City. The RCSD provides full support for the PATHS program. The budget summary is below:

<u>Income</u>		<u>Expenses</u>	
United Way	\$ 68,000	Personnel (salary + benefits)	\$ 75,353
RACF	47,000	Professional fees	27,370
City	<u>50,000</u>	Supplies, postage, printing	21,390
Total	\$165,000	Occupancy	290
		Travel and meetings	8,993
		Other expense	5,494
		Indirect/admin	<u>26,110</u>
		Total	\$165,000

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-102

Ordinance No. 2010-291
(Int. No. 348)

Establishing Maximum Compensation For A Professional Services
Agreement For An After-School Program And Amending The 2010-
11 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Children's Institute for implementation of the "Rochester Coping Power Plus" Initiative. Said amount shall be funded from the 2010-11 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency Account to the Office of the Mayor to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-292

Re: 2009-10 Year-End Budget Amendment

Transmitted herewith for your approval is legislation amending the 2009-10 Budget. This legislation will:

1. Transfer \$1,451,000 from Contingency to Cash Capital to fund one-time capital expenditures described below;
2. Transfer \$372,000 from Contingency and \$1,628,000 from Undistributed to Cash Capital to assist funding the Midtown Revitalization Project; and
3. Transfer \$5,870,000 from Contingency to the Police (\$2,817,000) and Fire (\$1,858,000) departments and to the Undistributed allocation (\$1,195,000) for pending wage and salary settlements.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 55 other amendments to the 2009-10 budget. These amendments reflected 10 appropriation transfers, 44 appropriation increases based upon the receipt of additional revenues, and one technical amendment.

Actual receipts and expenditures for 2009-10 will be audited by the City's external auditors Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed increase to the Cash Capital allocation is to fund capital projects discussed during City Council's review of the City's Capital Improvement Program as follows:

Port North East Riverfront Lot Project \$1,200,000 is for construction to improve the existing paved and unpaved parking lots located north of the Port Terminal Building and adjacent to the public river walkway. In February 2010, Council authorized funds and an agreement for engineering design and resident project representation services with Passero Associates (Ord. 2010-50). Final design plans are expected this summer with the bid and award phase in Fall, 2010 and construction to begin in Spring, 2011.

West River Wall Reconstruction \$201,000 is the 50% local match required. The west wall of the Genesee River between Corn Hill Landing and the Ford Street Bridge is a flood control wall that is crumbling, obscures the river view, and is overgrown with vegetation. In October 2009 (Ord. 2009-347), Council authorized an agreement with New York State Department of State (NYSDOS) for application for and receipt of a grant through the Local Waterfront Revitalization Program for planning and design work related to the reconstruction of the wall. Execution of the agreement is expected in late Fall, 2010 with the bid and award phase in early 2011 and final report and drawings in Spring, 2012.

RocCity Park \$50,000 will provide seed money for the development of a skateboard park at a downtown site to be determined. In light of the prevalence of obesity among school-age children the proposed skate park will provide opportunity for vigorous physical activity.

As reflected in the 2010-11 Budget the combination of one-time adjustments, reduced overtime, and early payment resulted in a lower than budgeted retirement bill for 2009-10. Also, the actual health insurance

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costs were lower than budgeted. A portion of these savings is proposed to be reallocated to Cash Capital to assist in the financing of the Midtown Revitalization Project.

When the 2009-10 Budget was adopted by Council in June 2009, salary and wage rates had not yet been established for uniformed or non-uniformed employees represented by the International Association of Firefighters, Inc (IAFF) or the Rochester Police Locust Club, Inc. Collective bargaining agreements for the uniformed employees of the Rochester Police Locust Club and the IAFF expired June 30, 2008, and the agreement with the non-uniformed members of IAFF expired June 30, 2009. Negotiations (including utilization of the mediation process) regarding both uniformed contracts have not resulted in successor agreements being reached. Therefore, the City and both uniformed organizations have proceeded with the interest arbitration process. Negotiations for the non-uniformed IAFF organization are currently underway. An allowance is being made for the projected anticipated costs for these contracts not yet settled.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-292
(Int. No. 353)

Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,451,000 from the Contingency Account to the Cash Capital allocation.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$372,000 from the Contingency Account and the sum of \$1,628,000 from Undistributed Expense to the Cash Capital allocation to fund the Midtown Revitalization Project.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$5,870,000 from the Contingency Account to the following appropriations:

Police	\$2,817,000
Fire	1,858,000
Undistributed	1,195,000

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
August 17, 2010

To the Council:

August 17, 2010

The Neighborhood & Business Development Committee recommends for Adoption the following entitled legislation:

Int. No. 328 - Authorizing The Sale Of Real Estate

Int. No. 329 - Authorizing Agreements And Appropriating Funds For Lead Hazard Reduction

Int. No. 330 - Authorizing An Agreement For Fair Housing Lending Monitoring Services

Int. No. 349 - Repealing Ordinance No. 2009-103 And Authorizing Agreements For The Two-Family Initiative

Int. No. 350 - Authorizing The Sale Of Real Estate For The Two-Family Initiative

The following entitled legislation is being HELD in committee:

Int. No. 344 - Amending Chapter 120 Of The Municipal Code, The Zoning Code

Int. No. 356 - Amending Ordinance No. 2009-10 Relating To A Loan Agreement For The Erie Harbor Project

Int. No. 357 - Approving The Acceptance And Abandonment Of Easements For Public Access Through The Erie Harbor Project Site

Respectfully submitted,

Carla M. Palumbo

Carolee A. Conklin

Dana K. Miller

Lovely A. Warren

Elaine M. Spaul

NEIGHBORHOOD & BUSINESS COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-293

Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of five properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a vacant lot being sold by proposal to the adjoining owner who will combine the parcel with their current property.

The last four properties are unbuildable vacant lots being sold to the adjacent owners, each for \$1.00. All the owners plan to combine these parcels with their respective adjoining lots.

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The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,286.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-103

Ordinance No. 2010-293
(Int. No. 328)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
223 Warwick Av	120.65-2-34	40x135	5,400	\$450	L. Balkum

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
29 Bloomingdale St	106.23-1-6	38x96	3,484	V. Mendez
23 Laser St	091.80-1-4	39x105	4,095	C.R. Mynter
572 N. Plymouth Av	106.69-1-1.1	16x100	1,742	CDR Frankfort Street LLC*
56 Treyer St	106.22-4-53	41x97	4,018	A. Mercado

* Officers and Board of Directors: Bruce Darling, CDR CEO; Eugene Spinning, Chairman; Jo Ann Armstrong, Vice Chair; Mark Giampaola, Treasurer; Fernan Cepero, PHR, Secretary; Amerine Douse, member; Murray Stahl, member; Trilby de Jung, Esq., member; Fr. Ray Fleming, member

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

August 17, 2010

Ordinance No. 2010-294

Re: Amendatory Agreements - Lead Hazard
Reduction Program

Transmitted herewith for your approval is legislation related to the Lead Hazard Reduction program, which is financed through the Housing Development Fund of the 2010-11 Consolidated Community Development Plan. This legislation will:

1. Appropriate \$50,000 from the 2010-11 Community Development Block Grant Lead Hazard Reduction Account; and
2. Authorize amendatory agreements with Environmental, Testing & Consulting, Envoy Environmental, and Lew Corporation for additional lead hazard evaluation services. This amendment will provide an additional aggregate amount of \$65,000 to be funded from the appropriation, and from 2007-08 Cash Capital (\$15,000).

These three providers, along with two others, were originally authorized to provide lead hazard evaluation services through Ordinance No. 2010-72 for an aggregate amount not to exceed \$65,000. This amendment will bring total maximum compensation for these services to \$130,000.

The Housing Development Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. A program description is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-104

Ordinance No. 2010-294
(Int. No. 329)

Authorizing Agreements And Appropriating Funds For Lead
Hazard Reduction

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Lead Hazard Reduction Account) of the 2010-11 Community Development Block Grant the sum of \$50,000, or so much as may be necessary, to fund lead hazard reduction services.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following in an aggregate amount not to exceed \$65,000 for lead hazard evaluation services. The agreements shall be funded from the appropriation made in Section 1 and \$15,000 from the 2007-08 Cash Capital allocation.

Environmental Testing & Consulting, Inc.
Envoy Environmental Consultants, Inc.
Lew Corporation

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

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Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-295

Re: Agreement and Appropriations - Consolidated
Community Development Plans, Empire
Justice Center

Transmitted herewith for your approval is legislation establishing \$66,312 as maximum compensation for an agreement with Empire Justice Center to continue to analyze and report on mortgage lending patterns in the Rochester community, and appropriating a total of \$66,312 of Community Development Block Grant funds as follows to finance the agreement:

1. \$16,312 from the 2007-08 Fair Housing Activities allocation; and
2. \$50,000 from the 2010-11 Housing Choice Fund – Fair Housing/Lending Monitoring allocation.

The most recent agreement for these services was authorized by Council in July 2009. This is a component of the City's commitment to affirmatively further fair housing, a requirement stipulated by Federal CDBG and HOME grant awards. The Empire Justice Center monitors mortgage lending practices and trends of the Rochester area's largest banks obligated by the Federal Community Reinvestment Act. A program description is attached.

The Housing Choice Fund supports the City Housing Policy objective to promote housing choice.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-105

Ordinance No. 2010-295
(Int. No. 330)

Authorizing An Agreement For Fair Housing Lending Monitoring
Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Empire Justice Center for continued Fair Housing Lending Monitoring Services relating to the Community Choice (Fair Housing) Action Plan.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$66,312, and of said amount, or so much thereof as may be necessary, \$50,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Fair Housing Activities Account) of the 2010-11 Community Development Block Grant and \$16,312 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

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Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-296 and
Ordinance No. 2010-297

Re: Neighborhood Stabilization Program:
FIS Two-Family Initiative

Transmitted herewith for your approval is legislation related to the Neighborhood Stabilization Program (NSP): Focused Investment Strategy (FIS) Two-Family Initiative to develop affordable rental housing. This legislation will:

1. Repeal Ordinance No. 2009-103, which appropriated \$175,000 in HOME funds from the 2008-2009 Rental Housing account, and re-appropriate that amount to partially finance the rehabilitation of seven vacant properties identified for the program. Ordinance No. 2009-103 appropriated this amount for a loan to Providence Housing Development Corporation's Northwest Apartments project which has been unable to move forward due to a significant financing gap.
2. Establish maximum compensation of \$9,026 and \$165,974 for agreements with Marketview Heights Association and Ibero-American Development Corporation, respectively, to be funded from the 2008-09 HOME funds appropriated herein.
3. Authorize the sale of seven City-owned vacant properties to the developers for rehabilitation.

The Neighborhood Stabilization Program (NSP) funding received by the City, and appropriated by Ordinance No. 2009-415, included \$660,000 for the rehabilitation of foreclosed, vacant, two-family properties in the four FIS neighborhoods. The New York State Housing Finance Authority, which administers the fund, approved an additional \$240,000 from the NSP grant for this purpose, bringing the total NSP funding for the FIS Two-Family Initiative to \$900,000.

Using these funds, seven two-family structures (14 units) obtained by the City through tax foreclosure will be rehabilitated by not-for-profit developers as rental properties in the four FIS neighborhoods.

Proposals were solicited from ten developers with expertise in the substantial rehabilitation and management of affordable residential properties. Ibero-American Development Corporation and Marketview Heights Association were selected due to the overall quality of the proposed development plans, compatibility with FIS design standards, development timetable, related experience, and project costs. Rehabilitation costs will largely be financed by the \$900,000 in NSP funds. However, there is a financing gap that will be met by the appropriation of \$175,000 in HOME dollars.

The seven City-owned properties being rehabilitated through this program will be sold to the selected developers, who will purchase, rehabilitate, own, and manage these rental properties in accordance with affordability requirements of the NSP and/or HOME funding sources which require the properties to

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remain affordable to renters with income levels less than 50% of Area Median Income for a minimum of ten years. Details regarding the property sales and funding sources for each are provided in the attachment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-106

Ordinance No. 2010-296
(Int. No. 349)

Repealing Ordinance No. 2009-103 And Authorizing Agreements
For The Two-Family Initiative

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-103, relating to a loan agreement for the Northwest Apartments Project, is hereby repealed.

Section 2. The Mayor is hereby authorized to enter into agreements or amendatory agreements with the Marketview Heights Association in an amount not to exceed \$9,026 and the Ibero-American Development Corporation in an amount not to exceed \$165,974 for the rehabilitation of properties through the Neighborhood Stabilization Program: Focused Investment Strategy Two-Family Initiative.

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$175,000, and said amount, or so much thereof as may be necessary, is hereby reappropriated from 2008-09 HOME Program Funds.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-297
(Int. No. 350)

Authorizing The Sale of Real Estate For The Two-Family Initiative

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate as a part of the Neighborhood Stabilization Program: Focused Investment Strategy Two-Family Initiative:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Legal Use</u>	<u>Price</u>	<u>Purchaser</u>
99 Copeland St	107.45-1-29	40 x 103	2 Family	\$4,000	Ibero-American Dev Corp
27 Rainier St	105.26-3-44	40 x 82	2 Family	\$5,000	Ibero-American Dev Corp
332 Tremont St	120.52-2-56	50 x 136	2 Family	\$5,000	Ibero-American Dev Corp
273 Troup St	120.44-2-98	51 x 64	2 Family	\$7,000	Ibero-American Dev Corp

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7.5 Vetter St	106.58-2-5	34 x 81	2 Family	\$9,000	Ibero-American Dev Corp
54-56 Waverly Pl	121.37-1-65.1	78 x 108	2 Family	\$8,500	Ibero-American Dev Corp
136-138 Woodward St	106.74-1-20	45 x 70	2 Family	\$3,000	Marketview Hghts Assn, Inc.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

Councilmember Palumbo moved to discharge Introductory Nos. 356 and 357 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-298 and
Ordinance No. 2010-299

Re: Erie Harbor/Redevelopment of former
River Park Commons

Transmitted herewith for your approval is legislation related to funding for the development of Erie Harbor. This legislation will:

1. Amend Ordinance No. 2009-10 by increasing a loan to Conifer Realty LLC, or an affiliated partnership or housing development fund corporation to be formed by Conifer Realty LLC, by \$800,000 from \$2,000,000 to \$2,800,000 for the development of Erie Harbor;
2. Appropriate the following HOME funds in order to fund the increase in the above loan; 1) \$798,650 from the Housing Development Fund of the 2010-11 Consolidated Community Development Plan, and 2) \$1,350 from the Rental Housing Fund of the 2009-10 Consolidated Community Development Plan;
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the project;
4. Abandon an existing easement through the Erie Harbor site at 205-405 Mt. Hope Avenue;

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5. Accept the donation of three new easements through the Erie Harbor site at 205-405 Mt. Hope Avenue.

Conifer Realty purchased the general partner interest in River Park Commons in April 2004 and has been redeveloping the site as two projects:

The Hamilton Apartments is now complete; it involved the rehabilitation of the 202 rental units in the high-rise and the environmental remediation of the site.

Erie Harbor involves the (now complete) asbestos abatement and demolition of the four low-rise structures and the proposed subsequent development of approximately 131 units of rental housing, 20% of which will be reserved for households with incomes under 50% Median Family Income (MFI) and the balance of 80% will be market-rate rental units. The environmental remediation of the site is also complete.

To date, the City has committed a total of \$2,900,000 to the redevelopment of the former River Park Commons. A legislative history is attached.

Conifer is requesting additional funding in the amount of \$800,000 from the City to cover part of the increased costs of the project that were related to the redesign of the entire Erie Harbor, the change in the value of the tax credit equity market, increased environmental remediation costs, and the elapsed time. In addition, Conifer's application to DHCR for Low Income Housing Tax Credits was not approved.

Conifer has used \$1,261,000 of the current \$2,000,000 loan for asbestos abatement and demolition; the balance and the proposed additional \$800,000 will be used for construction financing. The entire \$2,800,000 would be converted to permanent financing upon the completion of construction. The terms of the loan remain unchanged: during construction, the City loan will be provided as construction financing at a 1% interest rate. When the loan is converted to permanent financing, the loan will extend for a term of 30 years, with annual interest-only payments of 1% and payment of the principal due in full at the end of the term.

All funding approvals are in place except for a funding application that is under review by the NYS Housing Finance Agency (HFA); Conifer anticipates that this funding will be approved by the HFA at its September 2010 Board meeting. Construction of the new rental structures would start by the end of 2010; Conifer anticipates a 15-month construction schedule for the project.

Funding for Erie Harbor is as follows:

<u>Sources of Funds</u>		<u>Uses of Funds</u>	
Mortgages		Site Acquisition	\$ 0
1. Tax Exempt Bonds/HFA	\$16,725,000	Construction	20,608,297
2. City Loan	2,800,000	Professional Services	1,383,500
3. HFA Subsidy	2,623,098	Finance Costs	4,107,265
Federal Tax Credit	1,632,000	Carrying Costs	340,538
Deferred Interest	283,295	Project Contingency	849,350
Brownfield Credits	3,816,553	Fees/Permits	120,000
Equity – General Partner	3,646,852	Development Fees	4,148,843
Income from Operations	<u>428,500</u>	Reserves	147,505
Total	\$31,955,298	Working Capital	<u>250,000</u>
		Total	\$31,955,298

The easement to be abandoned by the City is located at 205-405 Mt. Hope Avenue (SBL 121.55-1-59.1). It is no longer needed and will be replaced by three new easements through the parcel to provide access to the Genesee Gateway Park from Mt. Hope Avenue. The City of Rochester has received a \$400,000

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Environmental Protection Fund grant from NYS for the enhancement of these easements. Legislation relating to this grant will be submitted to Council at a later date. The four easements are described in the attached legal descriptions and accompanying maps.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-107

Ordinance No. 2010-298
(Int. No. 356)

Amending Ordinance No. 2009-10 Relating To A Loan Agreement
For The Erie Harbor Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 3 of Ordinance No. 2009-10, relating a loan agreement for the Erie Harbor Project, is hereby amended by increasing the amount of the loan by \$800,000, from \$2,000,000 to \$2,800,000. Of said amount, \$798,650 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation of the 2010-11 HOME Program and \$1,350 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program.

Section 2. The Mayor is hereby authorized to enter into such agreements or amendatory agreements as may be necessary to implement the increase in the loan. The Mayor is further authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the Project.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers McFadden, Miller, Palumbo, Ortiz, Scott, - 6.

Nays Conklin, Haag, Spaul - 3

Ordinance No. 2010-299
(Int. No. 357)

Approving The Acceptance And Abandonment Of Easements For
Public Access Through The Erie Harbor Project Site

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of three permanent public access easements and the abandonment of one public access easement through the Erie Harbor Project site at 205-405 Mt. Hope Avenue, SBL #121.55-1-59.1.

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Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers McFadden, Miller, Palumbo, Ortiz, Scott, - 6.

Nays Conklin, Haag, Spaul - 3

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 344

Re: Zoning Text Amendments - Amendments
to the Zoning Code

Transmitted herewith for your approval is legislation amending Chapter 120 of the Zoning Code of the City of Rochester by modifying various sections as recommended in the Zoning Code Evaluation Project completed in 2010.

When the City adopted the Zoning Code in 2003, it was recognized that technological, economic, and social conditions continue to change at an increasingly rapid pace and that these factors would continue to have a significant impact on land use in the City. Therefore, the City Code required that the Director of Zoning submit a report evaluating the effectiveness and performance of the Code two years after its effective date. That report was issued to the Mayor and City Council in the Spring of 2005. Since that time, it has been the intention of the Director of Zoning to continue to monitor the Code beyond the required two-year timeframe. That most recent evaluation was presented to you in April 2010.

As recommended in the latest evaluation, the attached amendments were identified as changes that would reduce numbers of unnecessary special zoning approval processes and would better control certain aspects of new development. The proposed amendments include: deletion of lot and building coverage requirements in all districts except the R-1 and R-2 districts; certain modifications to site plan review triggers, signs, M-1 uses, city-wide design, vehicle related uses, nonconforming uses, drive-through uses, special zoning approval time limits and accessory use controls; and, adding provisions related to carports, front yard handicapped ramps, towing operations, and roll-down shutters.

The Planning Commission held informational meetings on June 14 and July 19, 2010. There were no speakers. By a vote of 5-0, the City Planning Commission recommends approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as Type II, requiring no further environmental review.

A public hearing is required for these Zoning Text Amendments.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 344

AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, THE
ZONING CODE

August 17, 2010

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

- 1) Modify the purpose statement for the R-1 District:

§ 120-7. Purpose.

The R-1 Low-Density Residential District is intended to maintain residential areas at relatively low densities. The R-1 District is a distinct urban area that is characterized predominantly by owner-occupied, single-family detached and attached homes but often contains a diverse mix of other preexisting higher-density residential uses. Each R-1 neighborhood is unique in character, composition and scale. The district requirements ~~protect the existing~~ are intended to preserve and promote neighborhoods and protect a quality of urban residential living characterized by unobstructed front yards and pedestrian-scale streetscapes and to protect from against undesirable uses and residential conversions.

- 2) R-3 Lot and Building Coverage requirements: §120-28B(1)(c)[4]&[5] & §120-28B(2)(b)&(c),

B. Lot area requirements.

- (1) Residential uses.

- (c) Multifamily.

~~[4] Maximum building coverage: 50%.~~

~~[5] Maximum lot coverage: 70%.~~

- (2) Nonresidential uses.

~~(b) Maximum building coverage: 50%.~~

~~(c) Maximum lot coverage: 70%.~~

- 3) C-1 Lot and Building Coverage requirements: §120-36B(1)(b)&(c) and §120-36B(2)(b)&(c),

B. Lot area requirements.

- (1) Residential uses.

~~(b) Maximum building coverage: 35%.~~

~~(c) Maximum lot coverage: 50%.~~

- (2) Nonresidential uses.

~~(b) Maximum building coverage: 70%.~~

~~(c) Maximum lot coverage: 80%.~~

- 4) C-2 Lot and Building Coverage Requirements §120-44B(1)(a)[3]&[4], §120-44B(1)(b)[3]&[4], §120-44B(2)(a)&(c)

B. Lot area requirements.

- (1) Residential uses.

- (a) Single-family attached.

~~[3] Maximum building coverage: 70%.~~

~~[4] Maximum lot coverage: 80%.~~

- (b) Multifamily.

~~[3] Maximum building coverage: 70%.~~

~~[4] Maximum lot coverage: 80%.~~

- (2) Nonresidential uses.

~~(b) Maximum building coverage: 70%.~~

~~(c) Maximum lot coverage: 80%.~~

- 5) C-3 Lot and Building Coverage Requirements §120-52B(2) &(3)

- B. Lot area requirements.
~~(2) Maximum building coverage: 70%.~~
~~(3) Maximum lot coverage: 80%.~~

6) PMV Lot and Building Coverage Requirements §120-76C(2)(a)[2][c]&[d], §120-76C(2)(b)[2]&[3]

- (2) Lot area requirements.
(a) Residential uses.
[2] Multifamily.
~~[e] Maximum building coverage: 50%.~~
~~[d] Maximum lot coverage: 70%.~~
(b) Nonresidential uses.
~~[2] Maximum building coverage: 70%.~~
~~[3] Maximum lot coverage: 80%.~~

7) H-V Lot and Building Coverage Requirements §120-77C(2)(a)[3][b]&[c]

- (2) Lot area requirements.
(a) Residential uses.
[3] Multifamily.
~~[b] Maximum building coverage: 35%.~~
~~[c] Maximum lot coverage: 50%.~~

8) M-1 Lot and Building Coverage Requirements §120-84B(1)(b)&(c) and §120-84B(2)(b)&(c)

- B. Lot area requirements.
(1) Residential uses.
~~(b) Maximum building coverage: 70%.~~
~~(c) Maximum lot coverage: 80%.~~
(2) Nonresidential uses.
~~(b) Maximum building coverage: 70%.~~
~~(c) Maximum lot coverage: 80%.~~

9) Carport Regulations in the R-1, R-2, R-3, PMV and H-V Districts

§120-11C(1)(a)[3]

- [3] Minimum front yard setback, attached garages and carports: front yard of the principal use or structure plus 10 feet.

§120-20C(1)(a)[3]

- [3] Minimum front yard setback, attached garages and carports: front yard of the principal use or structure plus 10 feet.

§120-28C(1)(a)[3]

- [3] Minimum front yard setback, attached garages and carports: the front yard of the principal use or structure plus 10 feet.

§120-76C(3)(a)[1][c]

- [c] Minimum front yard setback, attached garages and carports: the front yard of the principal use or structure plus 10 feet.

§120-77C(3)(a)[1][c]

- [c] Minimum front yard setback, attached garages and carports: the front yard of the principal use or structure plus 10 feet.

10) Permitting mixed uses in the C-1 District

§120-34M

M. Mixed uses, as listed in this section, not including industrial uses.

11) Front yard setback in C-1 and C-2 Districts

§120-36C(2)(a)

- (2) Nonresidential uses.

- (a) Maximum front yard setback: zero to five feet ~~or average front yard depth of building(s) along the corridor and within the commercial district where the property is located, but in no case more than five feet larger or smaller than the average of the front yard depth on buildings on the two adjoining lots.~~ In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed.

§120-44C(2)(a)

- (2) Nonresidential uses

- (a) Maximum front yard setback: zero to five feet ~~or the average front yard depth of building(s) along the corridor and within the commercial district in which the property is located, but in no case more than five feet larger or smaller than the average of the front yard depth on buildings on the two adjoining lots.~~ In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed.

12) CCD Design Review Clarification

§120-65D

- D. Applications not meeting the design criteria, within the specified tolerance limits set forth in this article in the "Design Checklist" tables at the end of this Chapter, shall require site plan approval.

13) CCD Tower District Correction

§120-71F(1)(b)[2]

- (b) Lot size and coverage.
~~[2] The maximum building coverage shall be no more than 25% of the block.~~

14) Revisions to the M-1 District relating to wholesale, auto repair, contractor storage which would permit wholesale operations, limit vehicle repair to existing building, permit funeral parlors and mortuaries, specially permit construction equipment storage operations subject to distance separations:

§120-81A(4)

- (4) Warehouses and wholesale distribution facilities.

§120-81A(6)

- (6) Vehicle repair stations within an existing building, subject to the additional requirements for specified uses in § 120-152.

§120-81A(7)

- (7) Vehicle and equipment rental, sales and storage within an existing building.

§120-81B

- B. The following uses are permitted in the M-1 District when ~~developed~~ located in any existing multistory building or a single-story building not originally designed for industrial purposes:

§120-81B(10)

- (10) Funeral parlors and mortuaries.

§120-83C(1) Renumber (2) through (6)

- (1) ~~Outdoor storage and/or sales of construction materials, equipment and vehicles.~~

§120-83M

- M. The new construction of vehicle-related uses, including car washes, vehicle service and repair stations, vehicle rental services and vehicle sales, subject to the additional requirements for specified uses in Article XVIII.

§120-83N

- N. Outdoor storage/sales of construction materials, equipment and vehicles subject to §120-175.

§120-175B(6)

- (6) Contractor storage must be a minimum of 200 feet from a residential or open space district.

15) Correct a spelling error in §120-113C

- C. Studios for artists, crafters, photographers, ~~composes~~ composers, writers and the like.

16) This amendment is being reconsidered and will be addressed during future discussions with neighborhood groups regarding off-street parking.

17) Amend drive-through provisions as follows:

§120-136. Drive-through.

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Drive-throughs shall be subject to the following requirements:

- ~~A. In the C-2 District, Drive-through establishments, as principal uses, shall meet the front yard setback requirements.~~
- ~~B. A. Except in C-3 and M-1 Districts, all elements associated with drive-throughs, including but not limited to service windows, vehicular queuing lanes, menu boards and intercoms, Drive-throughs shall be prohibited in the front yard and shall not be located to prevent direct pedestrian access from the public right-of-way to the principal building.~~

Reletter C as B

- 18) Correct the junkyard regulations in §120-142

§120-142. Junkyards or salvage yards.

In addition to the requirements set forth in Chapter 66 of the Municipal Code, Junkyards and salvage yards shall be subject to the following requirements:

- A. Junkyards shall be located at least 1,000 feet from any residential, planned development, Village Center, or open space district or the Genesee River or the CCD and at least 500 feet from any commercial district.
- ~~B. All junkyard materials and activities not within completely enclosed buildings shall be surrounded by a solid stable fence or wall of acceptable design to be at least eight feet in height, but no more than 15 feet, surfaced so as to be resistant to damage from the elements and from stored materials and erected and maintained in a manner to provide effective screening of the premises.~~
- ~~C. Storage piles shall not exceed the height of the fence surrounding the materials.~~

Reletter D through F

§120-83 L

- L. Junkyards or salvage yards, subject to the additional requirements for specified uses in § 120-142 and the following:
 - (1) All junkyard materials and activities not within completely enclosed buildings shall be surrounded by a solid stable fence or wall of acceptable design to be at least eight feet in height, but no more than 15 feet, surfaced so as to be resistant to damage from the elements and from stored materials and erected and maintained in a manner to provide effective screening of the premises.
 - (2) Storage piles shall not exceed the height of the fence surrounding the materials.

- 19) To add the installation of handicapped ramps as a permissible temporary use and delete the requirement for an administrative adjustment for handicapped ramps in the front yard.

§120-149A(9) Renumber current (9) as (10)

- (9) Handicapped ramps located in the front yard.

- (a) Alternative locations to the front yard have been explored;
- (b) Such use shall not obstruct access to required parking;
- (c) Such use shall be landscaped to reduce visual impacts when necessary;
- (d) The dimensions of such use shall not exceed Building Code requirements and shall not require significant alterations to front porches, entrances and other architectural features;
- (e) Such use shall be removed when no longer necessary and the front yard shall be restored to its original condition.

Delete §120-191A(4)(c)[7] Renumber [8] and [9]

- ~~[7] The Director of Planning and Zoning shall have the authority to approve an administrative adjustment for temporary handicapped facilities, such as ramps, lifts and the like, located in the required front yard setback.~~

20) Differentiate between storage yards associated with towing operations and vehicle sales lots

§120-153. Vehicle sales ~~and storage~~.

Vehicle sales shall be subject to the following requirements:

- A. No vehicle sales ~~or storage~~ area shall be located within 50 feet of any residential district boundary line.
- B. Outdoor vehicle sales ~~and storage~~ areas shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public sewer system.
- C. No repairs, other than minor repairs, shall be performed on the premises, and any such minor repairs shall be performed only within the principal building on the premises.
- D. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. ~~Outdoor storage may be permitted in the C-3 and M-1 Districts subject to the requirements for outdoor storage set forth in § 120-175B.~~
- E. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.
- F. Perimeter landscaping shall be a minimum of 10 feet along the street frontage(s).
- G. Vehicle sales ~~storage~~ areas shall be subject to the off-street parking requirements set forth in § 120-173F(2) and (3).

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- H. A sales office structure shall be located on the same lot as the vehicle sales.
- I. No partially dismantled or wrecked vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

§120-154.1 Vehicle towing and storage.

In addition to the requirements set forth in Chapter 108A of the Municipal Code, vehicle towing and storage shall be subject to the following:

- A. No such use shall be established on a property located within 50 feet of any residential district boundary line.
- B. Perimeter landscaping shall be a minimum of 10 feet along a street frontage(s).
- C. No fence shall be constructed within 10 feet of any street frontage.
- D. An office structure shall be located on the same lot for all towing operations.
- E. No partially dismantled, wrecked or unlicensed vehicle shall be stored for more than 72 hours outside of a completely enclosed building.
- F. Vehicle towing and storage lots shall be subject to the requirements in §120-173, Off-street parking.
- G. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.

- 21) Amend the city-wide design regulations for nonresidential structures to prohibit the installation of roll down shutters, the orientation of buildings, garages.

§120-159B(5)

- (5) The installation of any exterior device which obstructs transparency or impacts the architectural design of a window is not permitted. This prohibition does not apply to non-permanent interior devices such as curtains, blinds, shades and non-opaque roll-down grills.

§120-159E

- E. All new construction within 5 feet of the front property line shall be built parallel to the property line for at least 80% of its frontage and up to a height of 20 feet. Up to 20% of the building frontage may be built skewed from the property line; any portion of the building above 20 feet in height may be built skewed from the property line.

Delete §120-160A(2) and renumber (3) through (7)

- (2) ~~Garage orientation and access (e.g., attached/front-loaded, attached/side-loaded, or detached/alley-loaded);~~

Add a new §120-160C Reletter current C as D

- C. Accessory structures/uses.

- (1) Garage orientation and access (e.g., attached/front-loaded, attached/side-loaded, detached/street loaded, or detached/alley-loaded) shall conform with the majority of other existing residential parcels on the same block frontage within 200 feet.
- (2) Single family attached dwellings shall not have street-loaded garages if alternative access can be provided.
- (3) Garages, sheds, and other accessory structures over 100 square feet in area shall not be in the style of a "Quonset-hut" or other similarly formed metal or plastic structures designed and/or marketed for industrial or agricultural use.

- 22) Amend accessory structure provisions related to locating dish antennas as either roof top or rear yard installations and carports as a permitted rear yard installation.

§120-163A(1)(c)

- (c) Detached residential garage or carport.

§120-163A(1)(f)

- (f) Freestanding radio antennas and dish antennas limited to one meter or less in diameter.

§120-163A(5)

- ~~(5) — Dish antennas one meter or less in diameter.~~

Renumber (6) through (8)

§120-163B (5), (10) and (14)

- (5) Dish antennas two meters or less in diameter located in the rear yard in the C-1, C-2, C-3 and M-1 Districts.
- (10) Solar energy systems located in the rear yard.
- (14) Wind energy conversion system located in the rear yard, subject to site plan approval

- 23) To restore provisions inadvertently removed from the Zoning Code, remove references to hedges and clarify the provisions relating to fence surfaces:

§120-163A(6) Also to be renumbered above

- (6) Fences and walls ~~and hedges~~ subject to the provisions of § 120-167, Fences and walls.

§120-163B(6)

- (6) Fences and walls ~~and hedges~~ subject to the provisions of § 120-167, Fences and walls.

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§120-163C(1)

- (1) Fences and walls ~~and hedges~~ subject to the provisions of § 120-167, Fences and walls.

§120-167B(5)

- (5) Within residential districts, no fence or wall over three feet in height shall ~~extend~~ be constructed into the front yard of any lot, other than a necessary retaining wall.

§120-167B(6) Amend to read in its entirety as follows

- (6) Within nonresidential districts, a ten foot perimeter landscaped setback shall be required in conjunction with any fence or wall proposed along any street frontage except a decorative fence or wall of no more than 3 feet in height in conjunction with landscaping may encroach in the required setback area.

§120-167C(3)

- (3) No chain-link fencing shall be permitted in the front yard of a residential structure or a property located in a residential district unless an administrative adjustment is approved as set forth in § 120-191.

- 24) Clarify the air quality requirements.

§120-164B

- B. Notwithstanding the existence of any New York State or federal permits or approvals, ~~the development~~ no use or structure shall ~~not~~ emit smoke, dust, heat or heated air, noxious odors, odorous gases or other matter in such quantities as to be readily discernible on neighboring property and detrimental to the use and enjoyment of such neighboring property.

- 25) Amend the purpose statement for dwelling unit conversions:

§120-166

The intent of this section is to establish standards for the conversion of existing buildings to either increase or decrease the number of dwelling units. These standards are intended to reduce the overcrowding of dwelling units ~~and overly dense development of neighborhoods~~ and to ensure satisfactory amenities as conversions take place.

- 26) Delete landscaping requirements associated with the lot coverage requirements which are proposed to be deleted:

Delete §120-169A(1)

- ~~(1) The following minimum ground area of the total lot area shall be landscaped:~~

~~(a) Commercial uses: 10% of the site.~~

~~(b) Multifamily residential use: 15% of the site.~~

~~(c) Industrial use: 10% of the site.~~

Renumber (2) through (11)

- 27) Delete all noise regulations in the CCD:

Delete §120-66F, §120-67H, §120-68H, §120-69H, §120-70H, §120-71H and §120-72H. Reletter remaining subsections as appropriate.

§ 120-171. Noise.

~~All Uses in effect prior to the adoption of this chapter~~ shall be subject to Chapter 75 of the Municipal Code. The following Uses approved after the adoption of this chapter shall be subject to the following regulations:

Delete §120-171B

- 28) Clarify parking demand analysis requirements:

§120-173B(3)

- (3) Parking demand analysis. For uses expressly listed in this section requiring parking demand analysis, such analysis shall be submitted to the Director of Planning and Zoning for approval and will include, at a minimum:

- 29) Delete handicapped parking design requirements:

§120-173F(3)(a)

Handicapped	90°	18'00"	13'00"	24'00"
Handicapped	60°	21'00"	13'00"	18'00"
Handicapped	45°	19'10"	13'00"	13'00"

- 30) Clarify that outdoor storage requirements apply to nonresidential districts only:

§120-175. Outdoor storage.

Outdoor storage shall be allowed only in the following nonresidential districts in accordance with this section. Outdoor storage shall be subject to the following:

- 31) Clarify that the outdoor display requirements apply to retail uses:

§120-176. Outdoor retail displays.

Outdoor retail displays in association with an existing use on site shall be allowed in nonresidential districts and the Overlay Boutique District subject to the following:

- A. ~~Outdoor~~ Such displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than five feet from the wall.
- B. Such displays shall not be permitted to block windows, entrances or exits and shall not impair the ability of pedestrians to use the building.
- C. ~~Outdoor~~ Such displays shall be temporary or seasonal in nature and shall be discontinued at the close of business on a daily basis unless approved as a temporary use pursuant to §120-149.

- 32) Make minor revisions to the sign code in advance of a complete reassessment of sign regulations and appeal processes:

§120-177D

- D. Permitted permanent signs for nonresidential uses. The following signs are permitted subject to the requirements of this chapter:

District	Permitted Signs
R-1, and R-2, <u>O-O and O-B</u>	<u>1 attached or detached sign attached to a sign board, if applicable, not exceeding 15 square feet in area. Detached signs shall be posted no more than 4 feet in height from the finished grade of the lot.</u>
R-3, C-1, C-2, H-V, PMV, C-V and PD	A maximum of 50 square feet of signage per lot including: <u>1 Attached signs identifying uses or services on the premises that include 0.5 square foot in area for every foot of the building frontage per street frontage; and/or</u> <u>No more than 1 detached sign per parcel located in the front yard not exceeding 25 square feet in size per side of sign and posted no more than 4 feet in height from the finished grade of the lot</u>

§120-177F(11) and (13)

- (11) Window signs shall not exceed 25% of the window ~~and shall be included in the calculation of the overall signage allowed for the use.~~
- (13) ~~If more than one tenant is located in a building, individual signs for each will be allowed to be attached to the building as long as the total signage square footage for the development does not exceed the maximum signage for the district. In the case of buildings containing a grouping of two or more uses, tenancies or the like, such~~ uses shall be permitted signs containing 0.5 square foot in area for every foot of building frontage.

- 33) Modify the membership of the Project Review Committee in response to the NBD consolidation:

§ 120-181. Project Review Committee.

A. Membership.

- (1) There shall be a Project Review Committee made up of the following individuals or a designee:
- (a) ~~The Director of Planning and Zoning;~~
- (b a) The Director of Planning;
- (e b) The Director of ~~Housing and Project~~ the Bureau of Business and Housing Development;

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~~(d c)~~ The Manager of Plan Review;

~~(e) — The Commissioner of Economic Development;~~

~~(f d)~~ The City Engineer; and

~~(g e)~~ Three urban design specialists, appointed by the Mayor, that could include, but not be limited to, an architect, an urban planner and a landscape architect.

- 34) Add Official Map amendments to procedures requiring City Planning Commission recommendation and cases requiring public hearings and subdivisions to the listing of Planning Commission authorities.

§120-184J(1)

J. Jurisdiction and authority. The Planning Commission shall have the following jurisdiction and authority:

- (1) To review and recommend on matters relevant to the Comprehensive Plan and the Official Map to the City Council.

§120-188K(1)

(1) Informational meetings shall be required for the following:

- (b) Comprehensive Plan, Official Map, Zoning Map or zoning text amendments; and

§120-188L(1)(f)

- (f) Comprehensive Plan, ~~or~~ Official Map, Zoning Map or zoning text amendments (by City Council);

Add §120-188L(1)(m)

- (k) Appeals of administrative decisions; ~~and~~

(l) Site plan referrals; and

(m) Subdivisions per Chapter 128.

- 35) Revise site plan review triggers

§120-191D(3) to read in its entirety as follows

(3) Site plan review thresholds for Minor and Major Site Plan Reviews. Site plan review in accordance with this section shall be required in the following cases, with the exception of accessory structures not changing land use or density and projects involving no site or external structural alterations.

- (a) Minor site plan review shall be required for any development or redevelopment that includes construction, enlargement or addition to any building, or any site

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preparation for a site or use that may not include or require a building and meets one of the following:

- [1] New construction that does not meet the City-wide design standards set forth in this chapter, except those applications not meeting the residential building standards set forth in § 120-160B and C.
- [2] Exterior alterations to existing buildings or structures and all new construction in the CCD that include minor deviations* from the design criteria.
- [3] Exterior alterations to existing buildings in Village Center Districts that do not meet the specific design standards listed in those districts.
- [4] Applications that do not comply with neighborhood design guidelines adopted pursuant to § 120-161.
- [5] Parking lots over 10 spaces, whether the principal use or serving a principal use on the same lot, that do not meet the requirements for parking lots in § 120-173F.
- [6] More than two loading spaces in any district adjacent to any residential district or Open Space District.
- [7] Any loading space which does not meet the dimension requirements specified in § 120-172.
- [8] Any new structure or structures having a total floor area, or covering a contiguous land area, in excess of 20,000 square feet which does not comply with the Citywide Design Standards and all other zoning requirements.
- [9] Any new construction on a vacant parcel of one acre or more.
- [10] Projects involving or abutting a designated landmark or those involving or abutting a site listed or eligible for listing on the State or National Register of Historic Places.
- [11] Projects within an OS-Open Space District and commercial and industrial development adjacent to the OS-Open Space District.
- [12] Any outdoor activity area accessory to a nonresidential use, excluding accessory outdoor seating.
- [13] Projects within 100 feet of waterfront.
- [14] New multifamily dwellings.
- [15] New advertising sign structures.
- [16] In Planned Development Districts, incremental development as defined in 120-126B of this Chapter.
- [17] The conversion of floor area designed for nonresidential use to a residential use and vice versa in any commercial, village center, overlay, or residential district.

[18] Any development or redevelopment resulting in site grading exceeding the maximum slope requirements in § 120-178.

(b) Minor site plan review shall be required for the following:

[1] All junkyards or salvage yards, recycling centers and waste stations.

[2] Prior to demolition, any site preparation, development or redevelopment where demolition is proposed in the C-1, C-2, and Village Center Districts.

[3] Conversion to or from any of the following vehicle-related uses or the development or redevelopment of any sites devoted to such uses, including:

[a] Vehicle service stations, vehicle repair, vehicle sales/rental.

[b] Vehicle storage, wrecking, towing.

[c] Car washes.

[d] Drive-through facilities and uses.

[e] Truck Centers.

(c) Major site plan review required. Major site plan review will be required for any site plan meeting one or more of the thresholds of minor site plan review and one of the following:

[1] All Type I actions as identified in § 48-4 of the City Code, excluding applications requiring certificates of appropriateness.

[2] Applications in the CCD that include major deviations* from the design criteria.

[3] All development concept plan approvals or amendments for planned development districts.

[4] Construction of any principal building in the C-1, C-2, H-V or PMV Districts that does not meet City-wide design standards set forth in this chapter.

[5] A redevelopment plan contingent upon the demolition of a designated building of historic value, excluding applications requiring certificates of appropriateness.

[6] Sign proposals for designated buildings of historic value in the CCD with minor deviations of the design criteria relating to number, type and size.

* Refer to the pertinent Design Checklist at the end of this Chapter for list of major deviations

36) Clarify the provisions which allow work in a Preservation District without a Certificate of Appropriateness:

§120-194A(5)(a) and (e)

(a) ~~In-kind replacement.~~ Replacement of historic features precisely in kind, using like material in the same configuration, size, and degree of detail.

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- (e) ~~The removal of diseased trees, even if on a landmark property, as certified by the City Forester.~~ The removal of dead or diseased trees, as certified by a licensed arborist in writing to the Director of Planning and Zoning.

- 37) In advance of the overall modification of the nonconforming use procedures later this year, amend the prohibited variance provisions relating to the amount of floor area necessary to apply for a variance to reestablish an abandoned use.

§120-195B(5)(c)

- (c) Permit conversion of a single-family residential structure to any nonresidential uses or increase the number of residential units in the R-1 District, except that a variance may be approved to permit the reestablishment of a prior legally established nonconforming use in a residential structure ~~containing more than 2,000 square feet of habitable floor area~~ which has been abandoned as a result of vacancy or discontinuance;

- 38) Amend the definitions of community centers and ancillary parking garages and add a definition of the word adjacent as it pertains to zoning regulation:

§120-208

ADJACENT - Having a common boundary or edge; abutting; touching.

~~ANCILLARY GARAGE OR PARKING LOT~~ ANCILLARY GARAGE OR PARKING LOT. ~~ANCILLARY~~ -A garage or parking lot which is ancillary to a principal use not situated on the same parcel as such garage or lot, which is not operated as a separate commercial enterprise available to the public at large.

~~COMMUNITY CENTER, PRIVATE~~ - A building or structure and related facilities operated by a community-based group, governmental agency or organization on a nonprofit basis, the primary function of which is the provision of personal and other services to individuals, families and groups. Services may include information, socializing, recreation, education, culture and counseling but shall exclude the provision of sleeping quarters, except for one caretaker dwelling unit to be used for security and maintenance purposes. A "Private community center" does not include centers for the distribution of food, clothing or household goods, health care facilities, job training centers and sheltered workshops.

~~COMMUNITY CENTER, PUBLIC~~ - ~~A building or structure and related facilities operated by a governmental agency, the primary function of which is available to the public for civic, cultural, educational, philanthropic, recreational or social purposes.~~

- 39) Extend the expiration period for all special zoning approvals from 6 months to one year.

§120-191A(5)

- (5) Limitations on administrative adjustments. An administrative adjustment shall become null and void unless a certificate of zoning compliance and/or building permit is obtained and work is commenced within ~~six months~~ one year from the date of approval.

§120-191D(8)

- (8) Limitations on site plan approvals. A site plan approval shall become null and void ~~six months~~ one year after the date on which it was issued unless a building permit is obtained and maintained.

§120-192B(7)

- (7) Limitations on special permits. A special permit shall become null and void ~~six months~~ one year after the date on which it was issued unless a building permit is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the special permit, the Commission may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors. A special permit shall be deemed to authorize only the particular use or its operation for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.

§120-194A(9)

- (9) Limitation on certificates of appropriateness. A certificate of appropriateness shall become null and void ~~six months~~ one year after the date on which it was issued unless a building permit or certificate of zoning compliance is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the certificate of appropriateness, the Board may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors.

§120-195B(9)

- (9) Limitations on variances. A variance shall become null and void ~~six months~~ one year after the date on which it was issued, unless a building permit or certificate of occupancy is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the variance, the Board may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors.

- 40) To establish a new fee of \$100 for extensions of special approvals for over one year and delete obsolete fees previously charged in the former Science Park MIPD.

§120-206.1

Hazardous materials audit	M-IPD No. 2	\$120
Hazardous materials evaluation	M-IPD No. 2	Actual cost
<u>Special approval extensions</u>	<u>\$100/year (in cases of one or more approvals associated with a specific project, a single extension fee shall include all related approvals)</u>	

- 41) Amend the authority of the Director of Zoning to extend the expiration date of a special approval.

§120-182E(2)(i)

- (i) Extensions of time. The Director of Planning and Zoning may, upon written request by an applicant or a permittee prior to the expiration date of the approval, for good cause shown and without notice of hearing, extend the original time limit imposed on an applicant or permittee by this chapter or, unless a resolution shall expressly

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provide otherwise, by any resolution of any body acting pursuant to this chapter, for a period not to exceed the length of the original period. For any additional time limit extensions, The Director of Planning and Zoning shall notify the appropriate approval body that shall make a recommendation for or against the extension. A nonrefundable fee, as may be established from time to time by the City Council to defray administrative costs, shall accompany each request.

42) Continuing violations

§ 120-206. Continuing violations.

Pursuant to the procedures in Chapter 52, the following shall apply:

A. Whenever a ticket or summons of such violation of this chapter has been served, each day the offender continues such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

~~B. Additional tickets will not be issued if:~~

- ~~(1) The violation is actively being cured pursuant to a written plan, including a clear time frame and deadline, accepted by the Director of Planning and Zoning. Failure to actively cure the violation as specified in the plan shall reactivate the enforcement process at the point where discontinued; or~~
- ~~(2) A complete application has been submitted to the applicable board or commission to bring the violation into conformance until after the board or commission renders a decision~~

Section 2. This ordinance shall take effect on September 1, 2010.

Strikeout material deleted; underlined material added.

Held in Committee.

By Councilmember Miller
August 17, 2010

To the Council:

The Jobs, Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 331 - Establishing Maximum Compensation For A Professional Services Agreement For the Saratoga Avenue Group Project

Int. No. 332 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services

Int. No. 333 - Authorizing Lease Agreements For Conduit Space

Int. No. 334 - Establishing Maximum Compensation For A Professional Services Agreement For Garage Improvements

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Int. No. 335 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 336 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Reservoir Improvements, As Amended

Int. No. 351 - Establishing Maximum Compensation For A Professional Services Agreement For The Port Marina And Mixed Use Development Project And Amending Ordinance No. 2005-262

Int. No. 352 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$837,000 Bonds Of Said City To Finance The Cost Of Planning For The Port Marina And Mixed Use Development Project

Int. No. 358 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue Improvement And ARTWalk Extension Enhancement Projects

The Jobs, Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 337 - Amending The Official Map By Abandonment Of A Portion Of Capron Street And Accepting An Easement

Respectfully submitted,
Dana K. Miller
Matt Haag
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-300
Re: Saratoga Avenue Group Project

Transmitted herewith for your approval is legislation establishing \$62,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, for resident project representation (RPR) services for the Saratoga Avenue Group Project. The cost of the agreement will be financed from 2009 Street Improvement Bond Ordinance No. 2009-044 (\$12,000) and New York State Department of Transportation Multi Modal funding (\$50,000).

The project was designed by the Department of Environmental Services, Bureau of Architecture and Engineering. The project incorporates construction of improvements on Saratoga Avenue from Lyell to Smith; Verona Street from Lyell to Smith; and Lind Street from Oak to Saratoga. Work will include: new curbs; new sidewalks as needed; traffic calming features; driveway aprons; catch basin upgrades; and topsoil and seed.

Qualifications were solicited through the City's web site; eleven firms responded. Staff reviewed the qualifications and selected three firms to submit detailed proposals for the services: LaBella Associates, P.C., Passero Associates, P.C. and Stantec Consulting Services, Inc. Based on firm qualifications, experience, and availability of staff, Stantec was selected to provide RPR services for the duration of project construction.

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It is anticipated that the project will begin construction in fall, 2010 and be complete in spring, 2011. The construction cost estimate is \$366,000. RPR services will begin with project construction. New York State Department of Transportation funding for the project, including a portion of RPR services, was appropriated in June 2010 (Ordinance No. 2010-234).

Funds for this project were made available through the efforts of Assemblyman David Gantt.

A public meeting will be held prior to start of the construction.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-108

Ordinance No. 2010-300
(Int. No. 331)

Establishing Maximum Compensation For A Professional
Services Agreement For The Saratoga Avenue Group Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$62,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the Saratoga Avenue Group Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$12,000 shall be funded from Bond Ordinance No. 2009-44 and \$50,000 shall be funded from New York State Multi Modal Funds appropriated in Ordinance No. 2010-234.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-301
Re: Agreement - Term Resident Project
Representation Services

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for a two-year agreement with Vanguard Engineering P.C. (Joseph C. Ardieta, Principal), 241 Castlebar Road Rochester, 14610, for the provision of resident project representation (RPR) services. The cost will be financed from the 2008-09 (\$80,000) and 2009-10 (\$120,000) Cash Capital allocations of the Department of Environmental Services.

Typically, RPR or inspection services for City-designed construction projects are provided by DES personnel or consulting firms, determined on a project-by-project basis. However, during peak periods of the summer construction season, sufficient DES personnel are not available to inspect all City projects. To address this problem, DES utilizes general or temporary RPR services intended to expedite private

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consultant assignments. This enables project management and completion by providing greater flexibility with respect to RPR or inspection service assignments for various City construction projects.

Qualifications were solicited openly through the City's web site. The following firms responded: Bergmann Associates, P.C., Clark Patterson Lee, Corneles Engineering (Rochester 14623), Costich Engineering & Land Surveying, P.C., Cummings Construction LLC, Dewberry-Goodkind, Inc., LaBella Associates, P.C., Lu Engineers (Pittsford 14534), Passero Associates, P.C., Stantec Consulting Services, Inc., and Vanguard Engineering. Vanguard Engineering was selected based on firm qualifications, past experience, and availability of staff.

The consultant will provide RPR services on various City construction projects during the two-year period.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-301
(Int. No. 332)

Establishing Maximum Compensation For A Professional
Services Agreement For Resident Project Representation
Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Vanguard Engineering P.C., for resident project representation services for two years. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Of said amount, \$80,000 shall be funded from the 2008-09 Cash Capital allocation and \$120,000 shall be funded from the 2009-10 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-302
Re: Agreements - Telecommunication
Conduit Leases

Transmitted herewith for your approval is legislation renewing agreements with the following organizations for the lease of space in City telecommunication conduits:

1. AT&T, Inc. (acquisition firm of T.C. Systems), Hartford CT, for space within the Exchange Street right-of-way at an annual cost of \$3,744; and
2. Level 3 Communications, Inc. (formerly Williams Communications), Broomfield CO, for space within the Plymouth Avenue right-of-way at an annual cost of \$735.93.

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In December 1999, the City entered into 10-year agreements with T.C. Systems and Williams Communications (Ord. No. 99-416). The current ownership of these firms have expressed interest in establishing new agreements for the existing conduit, which is not anticipated to be impacted by current or planned construction projects.

AT&T will lease 960 linear feet of conduit under Plymouth Avenue, between Broad Street and the Inner Loop, for \$3.90 per linear foot. Level 3 Communications will lease 333 linear feet of conduit under Exchange Street between Broad Street and West Main Street for \$2.21 per linear foot.

The lease rates represent a 30% increase and were adjusted from the original lease agreements for inflation, and are within current market rates for similar installations in other municipalities. The variance in the unit rates reflect a difference in the amount of space utilized within the conduits.

The agreements will have a maximum term of ten years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-302
(Int. No. 333)

Authorizing Lease Agreements For Conduit Space

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Engineer is hereby authorized to enter into a lease agreement with AT&T, Inc. for the use of approximately 960 linear feet of space in the conduit located within the Exchange Street right-of-way for a term not to exceed ten years at annual rent of \$3,744.

Section 2. The City Engineer is hereby authorized to enter into a lease agreement with Level 3 Communications, Inc. for the use of approximately 333 linear feet of space in the conduit located within the Plymouth Avenue right-of-way for a term not to exceed ten years at annual rent of \$735.93.

Section 3. The lease agreements shall contain such additional terms and conditions as the City Engineer deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-303
Re: Agreement - LaBella Associates, P.C.,
Energy Optimization Upgrades, High
Falls and Court Street Garages

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with LaBella Associates, P.C., Rochester, for engineering design, resident project representation (RPR) services and commissioning services for the first phase of the energy optimization upgrades at the High Falls and Court Street Garages. The cost of the agreement will be funded from the

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Energy Efficiency and Conservation Block Grant (EECBG) appropriated in March 2010 (Ordinance No. 2010-84).

This project includes replacing existing lighting with high efficiency lighting, and adding lighting design techniques and technology to maximize energy efficiency. Upgrades to existing lighting and the installation of additional lighting will be included in dim areas such as stairwells and cash pay areas.

Proposals were solicited on the City website as well directly from 22 firms. Seven firms responded, including LaBella Associates, P.C.; Stantec Consulting Services, Inc.; FRA Engineering, P.C.; Erdman Anthony Associates, P.C. (Rochester, 14623); IBC Engineering, P.C.; Pathfinder Engineers LLP; and Q-Tech Engineering, P.C. (East Rochester, 14445). Proposals were rated by department staff and LaBella was selected based on their qualifications, assigned personnel, overall familiarity and expertise with the scope of the planned work.

LaBella will provide engineering design, and RPR services, including final design documents, specifications, and estimates for each garage. The estimated cost of construction is \$500,000, financed from EECBG funds and grant funding provided by the New York State Energy Research and Development Authority (NYSERDA), appropriated in May 2010 (Ordinance No. 2010-158).

Design for the project will commence in summer 2010; construction is anticipated in spring 2011 to meet grant completion requirements of September 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-303
(Int. No. 334)

Establishing Maximum Compensation For A Professional Services
Agreement For Garage Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$80,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, PC for engineering design, commissioning and resident project representation services for the first phase of energy upgrades at the High Falls and Court Street Garages. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from United States Department of Energy Funds appropriated in Ordinance No. 2010-84.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-304
Re: Amendatory Agreement -
Dewberry-Goodkind, Inc.,
East Broad Street/Chestnut
Street/Court Street

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Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Dewberry-Goodkind, Inc., 183 East Main Street, Rochester, for additional engineering planning and design services for this project. The original agreement for \$400,000 was authorized in October 2007. This amendment will increase maximum compensation by \$75,000 to a total of \$475,000. The cost of the agreement will be financed from the 2005-06 (\$11,250), 2006-07 (\$12,000) and 2008-09 (\$51,750) Cash Capital allocations of the Department of Environmental Services.

The project includes the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, traffic signals and water mains, as required; and tree planting.

Dewberry-Goodkind will provide additional design services, based on changes to the project scope since inception, including the following:

Relocation of RGRTA Park and Ride: Currently, RGRTA has Park and Ride facilities along James Street and East Broad Street. These facilities consist of a series of bus shelters with electrical services. The proposed closure of James Street from East Broad Street to Chestnut Street as part of the project requires planning and design services for the relocation of these facilities.

Implementation of a proposed roundabout: It is proposed that a roundabout be constructed at the Broadway/East Broad Street/Court Street/Manhattan Square Drive intersection. Additional planning and design for the impact the roundabout will have on adjacent parking lots and the HSBC Building parking entrance is needed, as well as additional coordination with stakeholders and utilities.

Landscape design along Manhattan Square Park: Geometric changes to the roadways will result in large areas being created adjacent to the park at the Court Street/Chestnut Street corner and the Manhattan Square Drive/Court Street corner. Appropriate landscape design services will be provided that compliments the Park.

Other additional design services include providing additional traffic analysis and mapping and coordination for all items.

Construction will begin in spring 2011, with completion scheduled for spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-109

Ordinance No. 2010-304
(Int. No. 335)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The East Broad
Street/Chestnut Street/Court Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and

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Dewberry-Goodkind, Inc. for engineering planning and design services for the East Broad Street/Chestnut Street/Court Street Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$11,250 shall be funded from the 2005-06 Cash Capital allocation, \$12,000 shall be funded from the 2006-07 Cash Capital allocation and \$51,750 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-305

Re: Amendatory Agreement - Malcolm
Pirnie, Inc., Reservoir Improvement
Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Malcolm Pirnie, Inc., for additional engineering services related to the Highland Reservoir Improvement Project, and Cobbs Hill Reservoir. Completion of this project will bring the City into compliance with the Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR).

The original agreement, authorized by Ordinance No. 2009-40 in February 2009, established \$630,000 as maximum compensation for Malcolm Pirnie. This amendment will increase compensation by an additional \$145,000 for a total not to exceed \$775,000. The additional cost will be financed from Bond Ordinance No. 2010-79 (\$107,000) and from the 2006-07 Cash Capital allocation of the Department of Environmental Services (\$38,000).

Additional design, construction administration, and resident project representation (RPR) work is required as part of the construction phase, to incorporate additional components into the project as requested by the City and to provide RPR services as part of the extended project schedule.

As part of this additional compensation, \$38,000 will support additional engineering services related to the preparation of an Emergency Action Plan (EAP) and an Inspection and Maintenance Plan (I & M) for Cobbs Hill Reservoir. The New York State Department of Environmental Conservation recently issued new dam safety regulations, and notified the City that an EAP and I&M plan is required for Cobbs Hill Reservoir dam. Since Malcolm Pirnie has prepared these plans for both the Highland and Rush Reservoir dams, and all reporting is required to be submitted to the DEC during 2010, Malcolm Pirnie is uniquely qualified and positioned to provide this service to the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-305
(Int. No. 336, As Amended)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Reservoir Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

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Section 1. The sum of \$[145,000] 155,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Malcolm Pirnie for design, construction administration and resident project representation services for the Highland Reservoir Improvement Project and the preparation of plans for the Cobbs Hill Reservoir. The amendatory agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$[107,000] 117,000 shall be funded from Bond Ordinance No. 2010-79 and \$38,000 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-306 and
Ordinance No. 2010-307
Re: Agreement - Edgewater Group, Port
Marina and Mixed-Use Development
Project

Transmitted herewith for your approval is legislation establishing \$1,239,000 as maximum compensation for an agreement with The Edgewater Group, St. Joseph, Michigan, for final engineering and design services required to construct the first phases of the Port Marina and Mixed Use Development Project, and authorizing the issuance of bonds totaling \$837,000 to partially finance the cost of the agreement.

This legislation will also amend Ordinance No. 2005-262 to reduce the amount appropriated therein for design services as part of the Port Harbor Improvement Project by \$105,000, and re-appropriating that amount to partially fund the Edgewater agreement. Full funding for the agreement is as follows:

2008-2009 Cash Capital	\$ 88,000
2009-2010 Cash Capital	209,000
State Multimodal Transportation Program (Ord. No. 98-379 and 2005-262)	105,000
Proposed bond issuance	<u>837,000</u>
Total	\$1,239,000

Planning for the project was initiated on March 18, 2008 when City Council authorized an agreement with Abonmarche, teamed with Passero Associates, for the performance of a market and feasibility study for the project. Subsequently, on January 20, 2009, Council authorized an amendatory agreement with Abonmarche to provide preliminary engineering (30%) and design of the project. In May 2009, the agreement was amended to reflect a change in the corporate entity for Abonmarche's marina design and development group to The Edgewater Group.

The preliminary design was substantially completed in early spring 2010, and was shared with City Council in advance of an April 29, 2010 project presentation to the public. The City and the consultant team are now in the process of preparing a draft Environmental Impact Statement (EIS) for the project. After completion of the final EIS, receipt of required local, state and federal approvals and permits, and the completion of the final design, the first phase of construction is anticipated to begin in fall 2011.

The agreement will provide for final engineering and design of the Phase I marina, marina public promenade, realignment of North River Street, extension of Corrigan Street, relocation of County Pure Waters facilities and other utilities, and the infrastructure improvements required to support private development of residential and commercial space along Lake Avenue. It will also include final design of the River Street Extension project, formerly provided for under a \$130,000 agreement with LaBella

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Associates, P.C., authorized by Council in August, 2005 (Ord. No. 2005-262). LaBella completed preliminary design at the time the Port Marina and Mixed Use Development Market and Feasibility Study was initiated; final street design was deferred pending the outcome of the study. The remaining funding from that agreement, \$105,000, is being reallocated to partially finance the cost of the agreement with the Edgewater Group.

The Edgewater Group, teaming with three Rochester-based consultants, Passero Associates, Bergmann Associates, and LaBella Associates, will perform final engineering and design services for the Phase I Marina and River Street Extension projects, including, but not limited to the following scope of services:

- Assisting the City with completion of federal and state environmental reviews;
- Preparation of maps and legal descriptions for property acquisitions required for the River Street Extension project, and for an inter-municipal agreement with the County related to the public boat launch;
- Assisting the City in application for all associated re-subdivisions and map amendments;
- Assisting the City in preparation of design standards for private development;
- Assisting the City in preparation of minor revisions to the Zoning Code;
- Integration of the marina improvements with the Port Terminal building;
- Integration of the planned beneficial reuse of excavated iron slag into construction plans and specifications;
- Preparation of all project plans, specifications and construction estimates; and
- Assisting the City in bid and award of the construction contracts.

It is anticipated that construction of the phase 1 public marina improvements now including the extension of River Street will cost approximately \$18,970,000. Current construction funding for the project including the marina, promenade, roadway and infrastructure work includes:

- \$6.848 million in appropriated proceeds from the sale of the Hemlock Lake and Canadice Lake watershed;
- \$2.235 million in approved New York State Local Waterfront Revitalization Program competitive grant funds;
- \$1.303 million in New York State Multi Modal transportation funds for the River Street Extension project; and
- \$917,000 in 2008-09 General debt and water, sewer, and traffic project funding share allocations.

Planned additional marina funding includes \$4.945 million in 2012-13 City general debt as planned for in the Capital Improvement Program. A new application for federal Boater Infrastructure Grant (BIG) funds for eligible transient marina features will also be submitted in August 2010.

Subsequent project development phases would expand the marina to approximately 120 slips and provide for additional private residential and commercial development opportunities at specific locations within the Port Site. Future development areas will each be dependent on the completion of site specific preparation activities including the relocation of the current boat launch and parking area, relocation of the County

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Parks Operations Center currently located at 4650 Lake Avenue, and development of parking and traffic plans for special events and high use periods.

The total redevelopment of the Port site under the current plan provides for 280 to 430 residential units and about 575 public parking spaces in close proximity to the Ontario Beach Park. The preliminary cost estimate for subsequent phases is \$12 million and will involve alienation and mitigation of parkland. Total private investment upon full build-out is expected to result in \$89 to \$133 million in development-related improvements.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-110

Ordinance No. 2010-306
(Int. No. 351)

Establishing Maximum Compensation For A Professional Services
Agreement For The Port Marina and Mixed Use Development
Project And Amending Ordinance No. 2005-262

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$1,239,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Edgewater Group for final engineering and design services for the Port Marina and Mixed Use Development Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$88,000 shall be funded from the 2008-09 Cash Capital allocation, \$209,000 shall be funded from the 2009-10 Cash Capital allocation, \$105,000 shall be funded from the appropriation made in Section 3 of Ordinance No. 98-379 and \$837,000 shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2005-262, relating to an agreement for the extension of River Street, is hereby amended by reducing the amount authorized therein from the appropriation made in Section 3 of Ordinance No. 98-379 by the sum of \$105,000, which amount is reauthorized in Section 1.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-307
(Int. No. 352)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$837,000 Bonds Of Said City To Finance The Cost
Of Planning For The Port Marina And Mixed Use Development
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning for the Port Marina and Mixed Use Development Project,

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including but not limited to final engineering and design services for the Phase I Marina, marina public promenade, realignment of North River Street, extension of Corrigan Street, relocation of Pure Waters facilities and other utilities, and infrastructure improvements to support private development of residential and commercial space along Lake Avenue, at the Port of Rochester (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be \$1,239,000. The plan of financing includes the issuance of \$837,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$297,000 in current funds and \$105,000 in New York State Department of Transportation Funds appropriated in Ordinance No. 98-379, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$837,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$837,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.62(a) of the Local Finance Law, is five (5) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-308

Re: Amendatory Agreement - Bergmann
Associates, University Avenue
Improvement Project and ARTWalk
Extension Enhancement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates P.C., for additional services related to the ARTWalk Extension Project. The original agreement was authorized in August 2007 and subsequently amended in March 2008, May 2009, and November 2009. This amendment will increase maximum compensation by an additional \$25,000 for a total of \$1,200,000. The cost of the agreement will be financed from 2010-11 Cash Capital.

The project includes several artistic enhancements to functional street elements, including: sidewalks, benches, light poles, manhole covers, signal cabinets, and similar features. This amendment will allow Bergmann to sub-contract with ARTWalk of Rochester, Inc. to administer all aspects of these artistic elements. Their services will include oversight of the art selection process, promotion and hosting of local meetings for public input and events, and increased involvement in design workshops and educational lecture series that are part of the overall project.

The project design will be completed this summer with construction beginning in fall 2010; the project will be completed by spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-308
(Int. No. 358)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The University Avenue
Improvement And ARTWalk Extension Enhancement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

August 17, 2010

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for final design engineering services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk Extension Enhancement Projects. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-309

Re: Official Map Amendment -
Capron Street

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of a portion of Capron Street, and the acquisition of a permanent easement granted by Riverview Lofts LLC, 325 Alexander Street, Suite100, Rochester (Steven Kiner, Principal).

The proposed abandonment of Capron Street is a component of the Capron Street Lofts project at 228 South Avenue (owned by Riverview Lofts LLC), allowing the developer to add four-foot wide balconies to upper level lofts.

The City Code requires that balconies do not encroach more than two feet into the right-of-way, and any above-surface encroachment is not allowed closer than two feet to the curbline. To accommodate the four-foot balconies requested, two changes are required:

1. The seven-foot sidewalk will be moved to the south side of the street along the Capron Street frontage of 228 South Avenue. This will be done as part of the street construction scheduled to start in fall 2010. The street plans will be redesigned to accommodate this change.
2. Riverview Lofts, LLC has requested that two feet of right-of-way be abandoned along the Capron Street frontage of 228 South Avenue. There is no record with the City of any fee title to this portion of land; ownership will revert to Riverview Lofts, LLC upon abandonment.

These changes will allow for a two-foot encroachment under City Code 104-33 (4) by the City Engineer.

As a condition of the abandonment, Riverview Lofts, LLC will donate a permanent easement to the City for the abandoned area to allow for utility access and sidewalk plowing and maintenance.

The Official Map Amendment was endorsed by the City Planning Commission at its July 19, 2010 meeting by a vote of 5-0; the recommendation and minutes from that meeting are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,

August 17, 2010

Robert J. Duffy
Mayor

Attachment No. AJ-111

Ordinance No. 2010-309
(Int. No. 337)

Amending The Official Map By Abandonment Of A Portion Of
Capron Street And Accepting An Easement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Capron Street:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 8, Township 13, Range 7, in Section 'M' of the Johnson & Seymour Tract, as filed in Liber 21 of Deeds, Page 391, and being more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Avenue (ROW Varies) and the southerly ROW line of Capron Street (33' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said easterly ROW line of South Avenue, a distance of 2.0 feet to a point; thence
- 2) Easterly, parallel with said southerly ROW line of Capron Street, a distance of 135.0 feet to a point; thence
- 3) Southerly, parallel with said South Avenue, a distance of 2.0 feet to the said southerly ROW line of Capron Street; thence
- 4) Westerly, along said southerly ROW line of Capron Street, a distance of 135.0 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land, 2.0' x 135.0' in size, containing 270 square feet, more or less.

Section 2. The abandonment shall be conditioned upon Riverview Lofts, LLC granting to the City a permanent easement over the abandonment area for utility access and sidewalk plowing and maintenance. The Council hereby approves the acceptance of said easement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
August 17, 2010

August 17, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 339 - Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

Int. No. 340 - Establishing Maximum Compensation For A Professional Services Agreement For A Coordinator For After-School Programs

Int. No. 341 - Authorizing Agreements For Youth Voice, One Vision And Amending The 2010-11 Budget

Int. No. 345 - Authorizing Agreements For Urban Area Security Initiative Grants And Amending The 2010-11 Budget

The following entitled legislation is being HELD in committee:

Int. No. 338 - Amending The 2010-11 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 354 - Establishing Maximum Compensation For A Professional Services Agreement For Fire Department Studies

Int. No. 355 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For An EMS RFP

Respectfully submitted,
Matt Haag
Jacklyn Ortiz
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-310
Re: Agreement - Monroe Community College,
AmeriCorps Program

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Monroe Community College, for continued support of the AmeriCorps Program. The cost will be financed from the Undistributed allocation of the 2010-11 Budget.

The AmeriCorps program is a Federal community service initiative for individuals aged seventeen or older. The City has participated since the program's inception in 1994. Since then, over 1,100 individuals have participated, contributing over 1.5 million hours of service. Participants perform a minimum of 1,700 hours of community service in exchange for a stipend of \$11,800 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$5,350. In Rochester, the community services are directed toward neighborhoods of highest need, with emphasis on initiatives involving children and youth.

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The program is administered by Monroe Community College. Local cost-sharing is budgeted at \$217,510 in non-federal cash, and over \$200,000 of in-kind contributions leverages \$633,470 in Federal funds. The annual value to the community of member service hours and additional volunteer hours is in excess of \$1 million.

The program is funded to enroll 45 individuals this year. City funding supports eleven placements - three with the Police Department's Victim Assistance Unit and eight in City recreation programs.

Rochester Police Department. Participants' duties enhance the activities of the Victim Assistance Unit by assisting with crisis intervention, short-term counseling and referral, court advocacy and filing requirements.

Department of Recreation and Youth Services. Three participants conduct daily programs at recreation centers. Five members provide support city-wide to youth councils and youth advisors, and conduct activities related to job readiness, youth entrepreneurship, civic engagement, youth fitness, gender equity in sports programming, healthy lifestyle choices, media projects, etc.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-310
(Int. No. 339)

Establishing Maximum Compensation For An Agreement For The
AmeriCorps Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Monroe Community College for the continued support of the AmeriCorps Program. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-311
Re: Agreement - Baden Street Settlement
of Rochester, Inc., After School Programs

Transmitted herewith for your approval is legislation establishing \$33,987 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc. to provide a program coordinator for the after school programs at Lake Riley Lodge and School #28. The cost of the agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Lake Riley Lodge is the site of the After School in the Parks program, a fee-for-service after-school program offered by the City. The program will provide care from 3-6:30 pm, Monday-Friday, for 35 city students

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between the ages of 6 and 13 at a cost of \$55 per week. Participants will be served a snack and a hot dinner from FoodLink, and will receive homework help and a variety of social and recreational activities. Rochester City School District students can be bused to the site via school district transportation at the end of the school day. The program will also offer care during both of the February and April school recess weeks from 9 a.m. to 5 p.m. for \$115 per week.

School 28 is an after school program serving grades 3-6 at Henry Hudson School. The program operates four days a week from October-May and is currently staffed for a capacity of 50-60 youth. Programming includes academic enrichment, homework help, youth development, and recreational enrichment.

The program coordinator will provide the following services at both sites: program oversight, including coordination with FoodLink; contact with parents; direct child care service coverage for staff absences; and delivery of the Healthy Lifestyles curriculum being used by Metro Council for Teen Potential of Baden Street to promote fitness, nutrition and positive self-esteem.

The total budget for the After School in the Parks program to run from September through the end of the current school year is \$93,900; anticipated revenue with full capacity is \$70,000. The cost of the program at School #28 is \$70,500, and is supported by tax dollars.

The term of this agreement will be September 7, 2010 to June 24, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-311
(Int. No. 340)

Establishing Maximum Compensation For A Professional Services
Agreement For A Coordinator For After-School Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$33,987, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Baden Street Settlement of Rochester, Inc. for a program coordinator for the after-school programs at Lake Riley Lodge and School #28. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-312
Re: Agreements - Youth Voice, One Vision

Transmitted herewith for your approval is legislation related to the 2010-11 Youth Voice, One Vision program. This legislation will:

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1. Authorize an agreement with the Rochester Area Community Foundation for the receipt and use of a \$35,000 grant to support the program;
2. Amend the 2010-11 Budget of the Department of Recreation and Youth Services by \$35,000 to reflect the grant;
3. Establish \$13,500 as maximum compensation for an agreement with Nazareth College to provide service learning project coordination from September 1, 2010 to August 31, 2011;
4. Establish \$8,000 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to provide workshops on creative expression and social marketing. The term of this agreement will be for one year beginning September 1, 2010; and
5. Authorize additional agreements as needed for youth development skill building, catering, and bus transportation for youth led events and activities, to be funded from the remaining grant balance of \$13,500.

Youth Voice, One Vision is a youth leadership and youth development program administered by the City. The program currently has nine youth officers and approximately 80 active youth members. The participants range in age from under 10 to 18, with the majority between 10 and 15. About 25% of the participants are 16-18.

YVOV participants develop their own goals and strategies, conduct meetings, elect officers, meet with community leaders and carry out service learning projects. The members also plan, host and facilitate regular service learning projects, workshops, conferences and special events. YVOV members act as presenters and “youth experts” on local, regional, and national panels, forums and events.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-312
(Int. No. 341)

Authorizing Agreements For Youth Voice, One Vision And
Amending The 2010-11 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for funding for Youth Voice, One Vision.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The sum of \$8,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to provide Youth Voice, One Vision services. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 4. The sum of \$13,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Nazareth College

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for service learning project coordination for Youth Voice, One Vision. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 5. The sum of \$13,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for additional professional services, catering and transportation services for Youth Voice, One Vision. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 6. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$35,000, which amount is hereby appropriated from funds to be received from the Rochester Area Community Foundation to fund Youth Voice, One Vision.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-313

Re: 2008 and 2009 Urban Area Security
Initiative Supplemental Grants

Transmitted herewith for your approval is legislation authorizing agreements with New York State Office of Homeland Security (NYS OHS) for receipt and use of funds under the 2008 and 2009 Urban Area Security Initiative (UASI); and amending the 2010-11 Budget by an amount not to exceed \$263,900 as follows: \$251,400 to Cash Capital, \$6,200 to the Police Department and \$6,300 to the Fire Department.

UASI 2008 Supplemental Grant

Additional funding of \$75,900 is part of the State's 20% of 2008 UASI funds that the State chooses to turn back to the local grantees. This funding will be used for law enforcement specialty teams' equipment, a Rochester Fire Department taskforce, and management and administrative expenses. The expenditure of the funding will conform to the term of the 2008 UASI grant term which ends on August 31, 2011. There is no match required. The agreement with NYS OHS for the basic 2008 UASI was authorized by Ord. No. 2008-390 in November 2008.

UASI 2009 Supplemental Grant

Additional funding of \$188,000 is part of the State's 20% of 2009 UASI funds that the State chooses to turn back to the local grantees. This funding will be used to purchase search and rescue equipment for the Fire Department and a Mobile Utility Surveillance Tower vehicle for the Police Department to allow more effective surveillance of crowds and incidents. The funding will conform to the term of the basic 2009 UASI grant which ends on August 31, 2012. There is no match required. The basic 2009 UASI award was authorized by City Council Ord. No. 2009-437 in December 2009 and funds were appropriated on July 20, 2010 (Ord. No. 2010-276).

The activities related to UASI are closely coordinated among the law enforcement and emergency management entities in the City, Monroe County, and outlying counties, creating a regional approach to homeland security.

Respectfully submitted,
Robert J. Duffy
Mayor

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Ordinance No. 2010-313
(Int. No. 345)

Authorizing Agreements For Urban Area Security Initiative Grants
And Amending The 2010-11 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the New York State Office of Homeland Security for funding for the Rochester Police and Fire Departments under the 2008 and 2009 Urban Area Security Initiative Supplemental Grant Programs.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$6,300, to the Rochester Police Department by the sum of \$6,200, and to the Cash Capital allocation by the sum of \$251,400, which amounts are hereby appropriated from funds to be received from the New York State Office of Homeland Security under the 2008 and 2009 Urban Area Security Initiative Supplemental Grant Programs.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Introductory No. 355 from Committee.

The motion was seconded by Councilmember Spaull.

The motion was passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaull - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-314
Re: Amendatory Agreement - TriData,
Development of an RFP for Provision
of Emergency Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with System Planning Corporation, TriData Division, Arlington, VA, to provide assistance with developing, and preparing for publication, the Request for Proposals (RFP) for the provision of emergency services. The original agreement for an analysis of EMS Service Provision, authorized in December, 2009, established maximum compensation at \$43,120. This amendment will increase the compensation by \$9,932, to a maximum total of \$53,052. This additional cost will be funded from the 2010-11 Undistributed Budget.

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Ordinance 2007-542 authorized the provision of emergency services with National Ambulance and Oxygen Service, Inc., d/b/a Rural/Metro for a term of two years with two renewable terms of one year each at the City's option. The contract commenced on April 8, 2008 and has been renewed for one year. The one year renewal expires March 31, 2011.

In order to have time to receive and review proposals in preparation for the contract expiration, the RFP for provision of emergency services should be posted and published in September 2010. The Administration will share a draft of the RFP with Council prior to its release.

Based on TriData's qualifications, experience, cost, and previous experience between the City and TriData, it is recommended to use TriData for the development of the next emergency services RFP.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-314
(Int. No. 355)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For An EMS RFP

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$9,932, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and TriData Division, System Planning Corporation, for assistance in preparing a request for proposals for the provision of emergency medical services in the City. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Miller - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 338

Re: Greater Rochester Area Narcotics
Enforcement Team

Transmitted herewith for your approval is legislation appropriating \$80,700 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2010-11 Budget of the Police Department by its inclusion.

The appropriated funds will be used to support GRANET operations for 2010-11. GRANET participates in joint investigations with the Greater Rochester Area Special Operations Group (GRASOG), which includes participants from federal, state, and local law enforcement agencies. The mission of GRASOG is to achieve maximum coordination and cooperation, and bring to bear the combined resources of member agencies to

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investigate mid and upper level narcotics related offenses and illegal weapons offenses and aggressively to investigate career criminals in the Greater Rochester/Monroe County area, utilizing state and federal laws.

Under the current memorandum of understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice, the United States Department of the Treasury, and the Attorney General. During its term of operation, GRANET will use asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (March 1994). Salaries and overtime for participants will continue to be paid by each officer's respective agency.

The City administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in GRANET's forfeiture fund prior to this transfer is estimated at \$80,756. This will be the first appropriation of GRANET's forfeiture funds during 2010-11.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 338

AMENDING THE 2010-11 BUDGET BY APPROPRIATING
FORFEITURE FUNDS FOR THE ROCHESTER POLICE
DEPARTMENT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$80,700, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 354
Re: Agreement - Center for Governmental
Research, Studies Related to Fire
Department Operations

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with the Center for Governmental Research (CGR), to provide an analysis of the field supervisory structure of the Rochester Fire Department, and to provide cost and operational analysis of the opportunity to consolidate the RFD Fire Apparatus Division with the DES Equipment Services Division. The cost of the agreement will be funded from the Undistributed allocation of the 2010-11 Budget.

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The national recession is negatively impacting revenues and increasing pension costs for New York State and the City of Rochester. As a result the City must examine all of its current methods of service provision. The City of Rochester will explore opportunities of reducing costs through restructuring and consolidations. These studies will provide data and analysis to assist with decision making for ensuring public safety and budget efficiencies.

The first study will be complete by September 30, 2010. The second study will be complete by October 29, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 354

ESTABLISHING MAXIMUM COMPENSATION FOR A
PROFESSIONAL SERVICES AGREEMENT FOR FIRE
DEPARTMENT STUDIES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Governmental Research, Inc. for studies of the supervisory structure of the Rochester Fire Department and of the possible consolidation of the Fire Apparatus Division of the Rochester Fire Department and the Equipment Services Division of the Department of Environmental Services. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Hel in Committee.

By President Warren
August 17, 2010

To the Council:

The Committee Of The Whole recommends for Adoption the following entitled legislation:

Int. No. 317 - Resolution Confirming The Appointment Of The Commissioner Of
Recreation And Youth Services

Respectfully submitted,
Lovely A. Warren
Elaine M. Spaul
Carolee A. Conklin
Matt Haag
Adam C. McFadden
Dana K. Miller

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Jacklyn Ortiz
Carla M. Palumbo
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, Filed and Published.

Introductory No. 317 was introduced _____ and appears in its original form with its transmittal letter on page _____ of the current Council Proceedings.

Resolution No. 2010-34
(Int. No. 317)

Resolution Confirming The Appointment Of The
Commissioner Of Recreation And Youth Services

Adopted unanimously.

The meeting was adjourned at 8:50 p.m.

DANIEL B. KARIN
City Clerk